



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

SENATE BILL NO. 153

MONDAY, MARCH 2, 2015

The following bill was reported to the House from the Senate and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adkins

1 AN ACT relating to motor carriers.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. KRS 281.010 IS REPEALED AND REENACTED TO READ AS
4 FOLLOWS:

5 *As used in this chapter:*

6 *(1) "Automobile utility trailer" means any trailer or semitrailer designed for use*
7 *with and towed behind a passenger motor vehicle;*

8 *(2) "Automobile utility trailer certificate" means a certificate authorizing a person to*
9 *engage in the business of automobile utility trailer lessor;*

10 *(3) "Automobile utility trailer lessor" means any person operating under an*
11 *automobile utility trailer certificate who is engaged in the business of leasing or*
12 *renting automobile utility trailers, but shall not include the agents of such*
13 *persons;*

14 *(4) "Broker" means a person selected by the cabinet through a request for proposal*
15 *process to coordinate human service transportation delivery within a specific*
16 *delivery area. A broker may also provide transportation services within the*
17 *specific delivery area for which the broker is under contract with the cabinet;*

18 *(5) "Bus" means a motor vehicle operating under a bus certificate transporting*
19 *passengers for hire between points over regular routes;*

20 *(6) "Bus certificate" means a certificate granting authority for the operation of one*
21 *(1) or more buses;*

22 *(7) "Cabinet" means the Kentucky Transportation Cabinet;*

23 *(8) "Certificate" means a certificate of compliance issued under this chapter to*
24 *motor carriers;*

25 *(9) "Charter bus" means a motor vehicle operating under a charter bus certificate*
26 *providing for-hire intrastate transportation of a group of persons who pursuant*
27 *to a common purpose, under a single contract, at a fixed charge for the motor*

- 1 vehicle, have acquired the exclusive use of the motor vehicle to travel together
 2 under an itinerary either specified in advance or modified after having left the
 3 place of origin;
- 4 (10) "Charter bus certificate" means a certificate granting authority for the operation
 5 of one (1) or more charter buses;
- 6 (11) "Commissioner" means the commissioner of the Department of Vehicle
 7 Regulation;
- 8 (12) "CTAC" means the Coordinated Transportation Advisory Committee created in
 9 KRS 281.870;
- 10 (13) "Department" means the Department of Vehicle Regulation;
- 11 (14) "Delivery area" means one (1) or more regions established by the cabinet in
 12 administrative regulations promulgated under KRS Chapter 13A for the purpose
 13 of providing human service transportation delivery in that region;
- 14 (15) "Disabled persons vehicle carrier" means a motor carrier for hire, transporting
 15 passengers including the general public who require transportation in disabled
 16 persons vehicles;
- 17 (16) "Disabled persons vehicle" means a motor vehicle operating under a disabled
 18 persons vehicle certificate especially equipped for the transportation of
 19 passengers with disabilities in accordance with 49 C.F.R. Part 38, and is designed
 20 or constructed with not more than fifteen (15) regular seats. It shall not mean an
 21 ambulance as defined in KRS 311A.010. It shall not mean a motor vehicle
 22 equipped with a stretcher;
- 23 (17) "Disabled persons vehicle certificate" means a certificate granting authority for
 24 the operation of one (1) or more disabled persons vehicles transporting
 25 passengers for hire;
- 26 (18) "Driveaway" means the transporting and delivering of motor vehicles, except
 27 semitrailers and trailers, whether destined to be used in either a private or for-

1 hire capacity, under their own power or by means of a full mount method, saddle
 2 mount method, the tow bar method, or any combination of them over the
 3 highways of this state from any point of origin to any point of destination for
 4 hire. "Driveaway" does not include the transportation of such vehicles by the full
 5 mount method on trailers or semitrailers;

6 (19) "Driveaway certificate" means a certificate granting authority for the operation
 7 of one (1) or more motor carrier vehicles operating as a driveaway;

8 (20) "Driver" means the person physically operating the motor vehicle;

9 (21) "Highway" means all public roads, highways, streets, and ways in this state,
 10 whether within a municipality or outside of a municipality;

11 (22) "Household goods" has the same meaning as in 49 C.F.R. sec. 375.103;

12 (23) "Household goods carrier" has the same meaning as "household goods motor
 13 carrier" in 49 C.F.R. sec. 375.103;

14 (24) "Household goods certificate" means a certificate granting authority for the
 15 operation of one (1) or more household goods vehicles;

16 (25) "Human service transportation delivery" means the provision of transportation
 17 services to any person that is an eligible recipient in one (1) of the following state
 18 programs;

19 (a) Nonemergency medical transportation under KRS Chapter 205;

20 (b) Mental health, intellectual disabilities, or comprehensive care under KRS
 21 Chapter 202A, 202B, 210, or 645;

22 (c) Work programs for public assistance recipients under KRS Chapter 205;

23 (d) Adult services under KRS Chapter 205, 209, 216, or 273;

24 (e) Vocational rehabilitation under KRS Chapter 151B or 157; or

25 (f) Blind industries or rehabilitation under KRS Chapter 151B or 163;

26 (26) "Interstate commerce" has the same meaning as in 49 C.F.R. sec. 390.5;

27 (27) "Intrastate commerce" has the same meaning as in 49 C.F.R. sec. 390.5;

- 1 (28) "Limousine" means a motor vehicle operating under a limousine certificate that
 2 is designed or constructed with not more than fifteen (15) regular seats;
- 3 (29) "Limousine certificate" means a certificate granting authority for the operation
 4 of one (1) or more limousines transporting passengers for hire;
- 5 (30) "Mobile application" means an application or a computer program designed to
 6 run on a smart phone, tablet computer, or other mobile device that is used by a
 7 TNC to connect drivers with potential passengers;
- 8 (31) "Motor carrier" means any person in either a private or for-hire capacity who
 9 owns, controls, operates, manages, or leases, except persons leasing to authorized
 10 motor carriers, any motor vehicle for the transportation of passengers or property
 11 upon any highway, and any person who engages in the business of automobile
 12 utility trailer lessor, driveaway, or U-Drive-It;
- 13 (32) "Motor carrier vehicle" means a motor vehicle used by a motor carrier to
 14 transport passengers or property;
- 15 (33) "Motor carrier vehicle license" means a license issued by the department for a
 16 motor carrier vehicle authorized to operate under a certificate;
- 17 (34) "Motor carrier license plate" means a license plate issued by the department to a
 18 motor carrier authorized to operate under a certificate other than a household
 19 goods, property, TNC, or U-Drive-It certificate;
- 20 (35) "Motor vehicle" means any motor-propelled vehicle used for the transportation
 21 of passengers or property on a public highway, including any such vehicle
 22 operated as a unit in combination with other vehicles;
- 23 (36) "Passenger" means an individual or group of people;
- 24 (37) "Permit" means a temporary permit of compliance issued under this chapter for
 25 a specified period not to exceed ten (10) days, and for a specific vehicle, to any
 26 motor carrier, including one who is a nonresident of the Commonwealth, who
 27 operates a motor vehicle and is not entitled to an exemption from the payment of

1 fees imposed under Section 38 of this Act because of the terms of a reciprocal
 2 agreement between the Commonwealth and the state in which the vehicle is
 3 licensed;

4 (38) "Person" means any individual, firm, partnership, corporation, company,
 5 association, or joint stock association, and includes any trustee, assignee, or
 6 personal representative thereof;

7 (39) "Prearranged ride" means the period of time that begins when a transportation
 8 network company driver accepts a requested ride through a digital network or
 9 mobile application, continues while the driver transports the rider in a personal
 10 vehicle, and ends when the transportation network company services end;

11 (40) "Pre-trip acceptance liability policy" means the transportation network company
 12 liability insurance coverage for incidents involving the driver for a period of time
 13 when a driver is logged into a transportation network company's digital network
 14 or mobile application but is not engaged in a prearranged ride;

15 (41) "Property" means general or specific commodities, including hazardous and
 16 nonhazardous materials;

17 (42) "Property certificate" means a certificate granting authority for the
 18 transportation of property, other than household goods, not exempt under
 19 Section 5 of this Act;

20 (43) "Regular route" means the scheduled transportation of passengers between
 21 designated points over designated routes under time schedules that provide a
 22 regularity of services;

23 (44) "Regular seat" means a seat ordinarily and customarily used by one (1)
 24 passenger and, in determining such seating capacity, the manufacturer's rating
 25 may be considered;

26 (45) "Street hail" means a request for service made by a potential passenger using
 27 hand gestures or verbal statement;

- 1 (46) "Subcontractor" means a person who has signed a contract with a broker to
2 provide human service transportation delivery within a specific delivery area and
3 who meets human service transportation delivery requirements, including proper
4 operating authority;
- 5 (47) "Tariff" means the listing of compensation received by a motor carrier for
6 household goods that includes the manner in which and the amount of fares an
7 authorized motor carrier may charge;
- 8 (48) "Taxicab" means a motor vehicle operating under a taxicab certificate that is
9 designed or constructed with not more than eight (8) regular seats and may be
10 equipped with a taximeter;
- 11 (49) "Taxicab certificate" means a certificate granting authority for the operation of
12 one (1) or more taxicabs transporting passengers for hire;
- 13 (50) "Taximeter" means an instrument or device approved by the department that
14 automatically calculates and plainly indicates the charge to a passenger for hire
15 who is being charged on the basis of mileage;
- 16 (51) "Transportation network company" or "TNC" means a person or entity that
17 connects passengers through its digital network or mobile application to its
18 drivers for the provision of transportation network company services;
- 19 (52) "Transportation network company certificate" or "TNC certificate" means a
20 certificate granting the authority for the operation of one (1) or more
21 transportation network company vehicles transporting passengers for hire;
- 22 (53) "Transportation network company driver" or "TNC driver" means an individual
23 who operates a motor vehicle that is owned or leased by the individual, or a motor
24 vehicle for which the driver is an insured driver and has the permission of the
25 owner or lessee of the motor vehicle, and used to provide transportation network
26 company services;
- 27 (54) "Transportation network company service" or "TNC service" means a

prearranged passenger transportation service offered or provided through the use of a transportation network company mobile application or digital network to connect potential passengers with transportation network company drivers;

(55) "Transportation network company vehicle" or "TNC vehicle" means a privately owned or leased motor vehicle, designed or constructed with not more than eight (8) regular seats, operating under a transportation network company certificate;

(56) "U-Drive-It" means any person operating under a U-Drive-It certificate who leases or rents a motor vehicle for consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee; and

(57) "U-Drive-It certificate" means a certificate granting authority for the operation of one (1) or more U-Drive-Its.

➔Section 2. KRS 281.590 is amended to read as follows:

It is hereby declared to be the public policy of this Commonwealth:

(1) To provide for fair and impartial regulation of all transportation subject to the provisions of this chapter, so administered as to recognize and preserve the inherent advantages of each type of motor transportation; to promote safe, adequate, economical and efficient service~~[and foster sound economic conditions in transportation and among the several carriers];~~

(2) To encourage the establishment and maintenance of reasonable charges for such transportation service, without unjust discriminations~~[,]~~ or undue preferences or advantages~~[,] or unfair or destructive competitive practices]; and~~

(3) To cooperate with the several states and the duly authorized officials thereof, all to the end of developing, coordinating and preserving a state transportation system by motor vehicles as defined in this chapter adequate to meet the needs of this Commonwealth. All of the provisions of this chapter shall be administered and

enforced with the view to carry out the~~above~~ declaration of policy in this section.

➔Section 3. KRS 281.600 is amended to read as follows:

- (1) The Department of Vehicle Regulation shall exercise all administrative functions of the state in relation to motor carrier transportation as defined in this chapter, and shall apply, as far as practicable, the administrative and judicial interpretations of acts administered by the Federal Motor Carrier Safety Administration and other federal agencies under the United States Department of Transportation~~the Federal Motor Carrier Act~~. It shall have the right to regulate motor carriers as provided in this chapter and, to that end, may establish reasonable requirements with respect to continuous and adequate service of transportation, systems of accounts, records and reports, preservation of records, and safety of operation and equipment. It may issue subpoenas, subpoenas duces tecum and orders of personal attendance of witnesses, and production of pertinent records for any proceeding before it, and permit the taking of depositions, all in accord with the Rules of Civil Procedure, and it shall have the power to promulgate administrative regulations as it may deem necessary to carry out the provisions of this chapter. The department shall have the authority to promulgate regulations regarding safety requirements for motor vehicles and the method of operation, including the adoption of any of the federal motor carrier safety regulations and any motor vehicle operating contrary to safety regulations shall be in violation of this section.

- (2) The provisions established by the Federal Highway Administration in Title 49, Part 393 of the United States Code of Federal Regulations shall not apply to:

- (a) A motor vehicle or its towed unit having a fertilizer spreader attachment permanently mounted thereon, having a gross weight not to exceed thirty-six thousand (36,000) pounds, and used only for the transportation of bulk fertilizer; or
- (b) A farm-wagon-type tank trailer of not more than two thousand (2,000) gallon

1 capacity used during liquid fertilizer season as a field storage tank supplying
2 fertilizer to a field applicator, and moved on a public highway for the purpose
3 of bringing fertilizer from a local source of supply to a farm or field, or from
4 one (1) farm or field to another, provided that the vehicle is being operated
5 solely in intrastate transportation.

6 (3) The provisions established by the Federal Highway Administration in 49 C.F.R. sec.
7 390.21 and 49 C.F.R. pts. 391, 393, 395, and 396 shall not apply to a motor vehicle
8 registered under KRS 186.050(4)(a)1., or its towed unit, if:

- 9 (a) The vehicle is not engaged in interstate commerce;
- 10 (b) The vehicle is engaged in farming or agricultural related activities; and
- 11 (c) The gross vehicle weight, gross vehicle weight rating, gross vehicle
12 combination weight, or gross vehicle combination weight rating of the vehicle
13 and its towed unit is twenty-six thousand (26,000) pounds or less.

14 (4) The provisions established by the Federal Highway Administration in 49 C.F.R.
15 secs. 391.41 to 391.49 and 49 C.F.R. pt. 395 shall not apply to a motor vehicle
16 registered under KRS 186.050(3)(b), or its towed unit, if:

- 17 (a) The vehicle is not engaged in interstate commerce;
- 18 (b) The vehicle is not transporting hazardous materials required to be placarded in
19 accordance with 49 C.F.R. pt. 172;
- 20 (c) The vehicle is not designed or used to transport sixteen (16) or more
21 passengers, including the driver; and
- 22 (d) The gross vehicle weight, gross vehicle weight rating, gross vehicle
23 combination weight, or gross vehicle combination weight rating of the vehicle
24 and its towed unit is twenty-six thousand (26,000) pounds or less.

25 (5) The Department of Kentucky State Police shall exercise all administrative functions
26 of the state pertaining to the motor carrier safety management audit program. This
27 program shall be administered according to the provisions of the Federal Motor

1 Carriers Safety Act and the federal regulations promulgated under that Act.

2 ➔Section 4. KRS 281.602 is amended to read as follows:

3 The Department of Vehicle Regulation shall have the authority to file the notice of a lien
4 with the county clerk prescribed in KRS 131.515 with respect to any license tax, excise
5 tax, motor fuel tax, or other motor vehicular tax or fee administered by the department.

6 ➔Section 5. KRS 281.605 is amended to read as follows:

7 The provisions of this chapter shall not apply, except as to safety regulations, to:

- 8 (1) Motor vehicles used as school buses and while engaged in the transportation of
9 students, under the supervision and control and at the direction of school
10 authorities;
- 11 (2) Except as provided in paragraph (e) of this subsection, motor vehicles, regardless of
12 ownership, used exclusively:
- 13 (a) For the transportation of agricultural and dairy products, including fruit,
14 livestock, meats, fertilizer, wood, lumber, cotton, products of grove or
15 orchard, poultry, and eggs, while owned by the producer of the products,
16 including landlord where the relation of landlord and tenant or landlord and
17 cropper is involved, from the farm to a market, warehouse, dairy, or mill, or
18 from one (1) market, warehouse, dairy, or mill to another market, warehouse,
19 dairy, or mill;
- 20 (b) For the transportation of agricultural and dairy products, livestock, farm
21 machinery, feed, fertilizer, and other materials and supplies essential to farm
22 operation, from market or shipping terminal to farm;
- 23 (c) For both the purposes described in paragraphs (a) and (b) of this subsection;
- 24 (d) For the transportation of agricultural and dairy products from farm to regularly
25 organized fairs and exhibits and return; or
- 26 (e) Motor vehicles used for the transportation of fly ash, in bags, sacks, or other
27 containers, the aggregate weight of which does not exceed ten thousand

- 1 (10,000) pounds; or bottom ash, waste ash, sludge, and pozatec which is being
2 removed from the premises of a power generator facility for the purpose of
3 disposal;
- 4 (3) Motor vehicles used exclusively as church buses and while operated in the
5 transportation of persons to and from a church or place of worship or for other
6 religious work under the supervision and control and at the direction of church
7 authorities;
- 8 (4) Motor vehicles used exclusively for the transportation of property belonging to a
9 nonprofit cooperative association or its members where the vehicle is owned or
10 leased exclusively by the association;
- 11 (5) Motor vehicles owned in whole or in part by any person and used by such person to
12 transport commodities of which such person is the bona fide owner, lessee,
13 consignee, or bailee; provided, however, that such transportation is for the purpose
14 of sale, lease, rent, or bailment, and is an incidental adjunct to an established private
15 business owned and operated by such person within the scope and in furtherance of
16 any primary commercial enterprise of such person other than the business of
17 transportation of property for hire;
- 18 (6) Motor vehicles used in pick-up or delivery service within a city or within a city and
19 its commercial area for a carrier by rail;
- 20 (7) Motor vehicles used exclusively for the transportation of coal from the point at
21 which such coal is mined to a railhead or tippie where the railhead or tippie is
22 located at a point not more than fifty (50) air miles from the point at which the coal
23 is mined;
- 24 (8) Motor vehicles used as ambulances in transporting wounded, injured, or sick
25 animals or as ambulances as defined in KRS 311A.010;
- 26 (9) Motor vehicles used by transit authorities as created and defined in KRS Chapter
27 96A except as required by KRS 96A.170. Vehicles operated under the authority and

1 direct responsibility of such transit authorities, through contractual agreement, shall
2 be included within this exemption, without regard to the legal ownership of the
3 vehicles, but only for such times as they are operated under the authority and
4 responsibility of the transit authority;

5 (10) Motor vehicles having a seating capacity of fifteen (15) or fewer passengers and
6 while transporting persons between their places of residence, on the one hand, and,
7 on the other, their places of employment, provided the driver himself is on his way
8 to or from his place of employment, and further provided that any person who
9 operates or controls the operation of vehicles hereunder of which said person is the
10 owner or lessee, and any spouse of said person and any partnership or corporation
11 with said person or his spouse having an interest therein doing such, shall be
12 eligible to so operate an aggregate number of not more than one (1) vehicle on other
13 than a nonprofit basis;

14 (11) Motor vehicles used to transport cash letters, data processing material, instruments,
15 or documents, regardless of the ownership of any of said cash letters, data
16 processing material, instruments, or documents;

17 (12) Motor vehicles operated by integrated intermodal small package carriers who
18 provide intermodal-air-and-ground-transportation. For the purposes of this section,
19 "integrated intermodal small package carrier" shall mean an air carrier holding a
20 certificate~~[of public convenience and necessity]~~ or qualifying as an indirect air
21 carrier that undertakes, by itself or through a company affiliated through common
22 ownership, to provide intermodal-air-and-ground-transportation, and "intermodal-
23 air-and-ground-transportation" shall mean transportation involving the carriage of
24 articles weighing not more than one hundred fifty (150) pounds by aircraft or other
25 forms of transportation, including by motor vehicle, wholly within the
26 Commonwealth of Kentucky. The incidental or occasional use of aircraft in
27 transporting packages or articles shall not constitute an integrated intermodal

1 operation within the meaning of this section;

2 (13) Motor vehicles operated pursuant to a grant of funds in furtherance of and governed
3 by 49 U.S.C. secs. 5310 or 5311, including all amendments, and whose operators
4 have jurisdictions and services approved annually by the Transportation Cabinet in
5 accordance with 49 C.F.R. Title VI;

6 (14) Motor vehicles used to transport children to educational events or conservation
7 camps run by, or sponsored by, the Department of Fish and Wildlife;

8 (15) Motor vehicles used to transport children to events or camps run by, or sponsored
9 by, the Kentucky Sheriffs Association; or

10 (16) (a) Motor vehicles used in the transportation of persons who are sixty (60) years
11 of age or older or who are visually impaired, if the motor vehicles are owned
12 by a nonprofit organization or being used on behalf of a nonprofit
13 organization that is exempt from federal income tax under Section 501(c)(3)
14 of the Internal Revenue Code.

15 (b) Motor vehicles owned and operated by a nonprofit organization that are
16 exempt under this subsection shall be subject to liability insurance coverage as
17 established by KRS 281.655.

18 (c) Motor vehicles owned privately but operated on behalf of a nonprofit
19 organization that are exempt under this subsection shall be subject to liability
20 insurance coverage as established by KRS 304.39-110.

21 ➔Section 6. KRS 281.610 is amended to read as follows:

22 (1) The provisions of this chapter shall apply to interstate commerce, except insofar as
23 such application is in conflict with any provision of the Constitution of the United
24 States or the Acts of Congress.

25 (2) The commissioner may grant a certificate~~[of convenience and necessity]~~ for the
26 transportation of passengers~~[persons]~~ or property for compensation in interstate
27 commerce, and may regulate such interstate commerce under the authority of and in

accordance with the provisions of any Act of Congress vesting in or delegating to the commissioner such authority as an agency of the United States government. The commissioner may notify the proper department of the federal government of his assent to the requirements and conditions of such Act of Congress in regard to interstate commerce by motor vehicle.

→ Section 7. KRS 281.6185 is amended to read as follows:

~~All~~(1) — For human service transportation delivery programs, Any disabled persons ~~vehicles~~ [carrier transporting persons with disabilities requiring the use of specialized equipment] shall be in compliance [comply] with the provisions of 49 C.F.R. Part 38 and this chapter [KRS 281.014(5)(a)]. A carrier operating under a disabled persons vehicle [person] certificate may provide service to any person not requiring the use of the specialized equipment. A person requiring the use of specialized equipment may be accompanied by a companion.

~~[(2) Any person or his predecessor in interest engaged as of January 1, 1998, in the transportation of disabled persons, pursuant to a valid taxicab certificate or a taxicab certificate limited to wheelchair-equipped vans issued by the department, authorizing this activity, shall, upon application, be issued a certificate as a disabled persons carrier to authorize a continuation of the same operation, except the origin of the trip may be anywhere in the authorized county rather than restricted to the city and its suburban area. Any person or the person's predecessor in interest with a pending taxicab application filed prior to January 1, 1998, may elect to amend the pending taxicab application so as to designate all or a portion of the application as an application for approval to operate disabled person vehicles.]~~

→ SECTION 8. KRS 281.624 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The department shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish requirements and to set forth standards for household goods carriers,

- 1 including but not limited to the:
- 2 (1) Determination of weights;
- 3 (2) Establishment of rates for accessorial services;
- 4 (3) Types of discounts prohibited;
- 5 (4) Prohibition against a carrier acting as an agent for another carrier;
- 6 (5) Insurance provisions;
- 7 (6) Information required on a receipt or bill of lading;
- 8 (7) Information required on a freight bill;
- 9 (8) Liability of carriers;
- 10 (9) Estimation of charges;
- 11 (10) Absorption or advancement of dock charges;
- 12 (11) Information for prospective shippers;
- 13 (12) Minimum weight shipments; and
- 14 (13) Filing of tariffs.

15 ➔Section 9. KRS 281.626 is amended to read as follows:

16 ~~[(1)]~~Any person who operates as a U-Drive-It and rents vehicles for less than sixty (60)

17 days shall obtain a U-Drive-It certificate~~[permit]~~ prior to beginning operations. Any

18 person who operates as a U-Drive-It and rents or leases vehicles for sixty (60) days or

19 more may obtain a U-Drive-It certificate~~[permit]~~.

20 ~~[(2) For any person seeking a U-Drive-It permit who is subject to a hearing to be held by~~

21 ~~the department upon his application pursuant to KRS 281.625, the question for~~

22 ~~determination shall be the fitness, willingness, and ability of the applicant, and whether~~

23 ~~the operation proposed is bona fide.]~~

24 ➔SECTION 10. KRS 281.630 IS REPEALED AND REENACTED TO READ

25 AS FOLLOWS:

26 (1) A person shall not act as a motor carrier without first obtaining a certificate from

27 the department.

1 (2) A certificate for the intrastate transportation of passengers or property, including
 2 household goods, shall be issued to any qualified applicant authorizing operation
 3 covered by the application, if it is found that the applicant conforms to the
 4 provisions of this chapter and the requirements of the administrative regulations
 5 promulgated in accordance with this section.

6 (3) (a) The department shall issue the following certificates:

- 7 1. Taxicab certificate;
- 8 2. Limousine certificate;
- 9 3. Disabled persons vehicle certificate;
- 10 4. Transportation network company certificate;
- 11 5. Household goods certificate;
- 12 6. Charter bus certificate;
- 13 7. Bus certificate;
- 14 8. U-Drive-It certificate;
- 15 9. Property certificate;
- 16 10. Driveaway certificate; and
- 17 11. Automobile utility trailer certificate.

18 (b) Application for a certificate shall be made in such form as the department
 19 may require. The department shall receive an application fee of two
 20 hundred fifty dollars (\$250) for all applications, except that the department
 21 shall receive an application fee of twenty-five dollars (\$25) for a property
 22 certificate.

23 (c) Before the department may issue a certificate, an applicant shall:

- 24 1. Pay the application fee established under paragraph (b) of this
 25 subsection;
- 26 2. For entities other than TNCs, file a motor carrier vehicle license
 27 application for each motor carrier vehicle as required by Section 12 of

- 1 this Act. The applicant shall file at least one (1) motor carrier vehicle
 2 license application before being eligible for a certificate;
- 3 3. For TNCs, file a TNC authority application with the department
 4 pursuant to administrative regulations promulgated by the
 5 department;
- 6 4. File with the department one (1) or more approved indemnifying
 7 bonds or insurance policies as required by Section 15 of this Act;
- 8 5. For taxicab, limousine, disabled persons vehicle, TNC, household
 9 goods, charter bus, and bus certificates, obtain and retain for a period
 10 of at least three (3) years, a nationwide criminal background check, in
 11 compliance with Section 11 of this Act, of each owner, official,
 12 employee, independent contractor, or agent operating a passenger
 13 vehicle or household goods vehicle or entering a private residence or
 14 storage facility for the purpose of providing or facilitating the
 15 transportation of household goods;
- 16 6. For household goods certificates, file with the department a current
 17 tariff; and
- 18 7. For a bus certificate, file with the department authorization from a
 19 city as required by Section 13 of this Act.
- 20 (4) (a) Every certificate shall be renewed annually. Application for renewal shall
 21 be in such form as the department may require.
- 22 (b) A certificate not renewed within one (1) calendar year after the date for its
 23 renewal shall become null and void.
- 24 (c) The department shall not renew any certificate if it has been revoked or, if
 25 suspended, during the period of any suspension. A certificate shall not be
 26 considered revoked or suspended when an appeal of the revocation or
 27 suspension is pending in a court of competent jurisdiction.

1 (d) For the renewal of an intrastate certificate, the department shall receive a
2 fee of two hundred fifty dollars (\$250), except for an application for renewal
3 of a property certificate, for which the department shall receive a fee of
4 twenty-five dollars (\$25).

5 (e) Before the department may renew a certificate, the certificate holder shall:

6 1. Pay the renewal fee established under paragraph (d) of this
7 subsection;

8 2. For the entities other than TNCs, file a motor carrier vehicle license
9 application or renewal for each motor carrier vehicle as required by
10 Section 12 of this Act. The certificate holder shall file at least one (1)
11 motor carrier vehicle license application or renewal before being
12 eligible for renewal;

13 3. For TNCs, file a TNC authority application with the department
14 pursuant to administrative regulations promulgated by the
15 department;

16 4. File with the department one (1) or more approved indemnifying
17 bonds or insurance policies as required by Section 15 of this Act;

18 5. Every three (3) years, for taxicab, limousine, disabled persons vehicle,
19 TNC, household goods, charter bus, and bus certificates, obtain and
20 retain for a period of at least three (3) years, a nationwide criminal
21 background check in compliance with Section 11 of this Act, of each
22 owner, official, employee, independent contractor, or agent operating
23 a passenger vehicle or entering a private residence or storage facility
24 for the purpose of providing or facilitating the transportation of
25 household goods. However, within the three (3) year period:

26 a. If a new owner, official, employee, independent contractor, or
27 agent joins the certificate holder and performs the

1 aforementioned duties; or

2 b. If the certificate holder has knowledge that a current owner,
 3 official, employee, independent contractor, or agent who
 4 performs the aforementioned duties has been convicted of or
 5 pled guilty to any of the offenses listed in subsection (2) of
 6 Section 11 of this Act;

7 then the certificate holder shall obtain and retain for a period of at
 8 least three (3) years, a nationwide criminal background check for that
 9 owner, official, employee, independent contractor, or agent; and

10 6. For household goods certificates, have on file with the department a
 11 current tariff.

12 (5) (a) A motor carrier operating under a household goods certificate shall, at all
 13 times the certificate is in effect, maintain on file with the department a
 14 current tariff.

15 (b) Except for a household goods certificate holder that has had only an out-of-
 16 state address on file with the department prior to January 1, 2015, all
 17 certificate holders shall maintain on file with the department an address
 18 within the Commonwealth. The certificate holder shall keep open for public
 19 inspection at that address such information as the department may require.

20 (c) The certificate holder shall not charge, demand, collect, or receive a
 21 greater, less, or different compensation for the transportation of household
 22 goods or for any service in connection therewith, than the tariff filed with
 23 the department and in effect at the time would require. A certificate holder
 24 shall not make or give any unreasonable preference or advantage to any
 25 person, or subject any person to any unreasonable discrimination.

26 (6) A certificate shall not be transferred unless the transfer involves either the
 27 change of the legal name of the existing certificate holder or the incorporation of

1 a sole proprietor certificate holder.

2 (7) A certificate authorizing a person to act as an automobile utility trailer lessor
 3 shall also authorize the agents of the person to act on his or her behalf during the
 4 period of their agency.

5 (8) A motor carrier vehicle shall not be operated after the expiration of the certificate
 6 under which it is operated.

7 (9) A person shall not knowingly employ the services of a motor carrier not
 8 authorized to perform such services.

9 (10) If the department, after a hearing held upon its own motion or upon complaint,
 10 finds any existing rate unjustly discriminatory, or finds the services rendered or
 11 facilities employed by any motor carrier to be unsafe, inadequate, inconvenient,
 12 or in violation of law or of the administrative regulations of the department, it
 13 may by final order do any or all of the following:

14 (a) Require the certificate holder to follow any rate or time schedule in effect at
 15 the time of service;

16 (b) Require the certificate holder to issue a refund to the complainant;

17 (c) Require the certificate holder to pay the fine set out in Section 33 of this Act
 18 to the department; and

19 (d) Determine the reasonable, safe, adequate, and convenient service to be
 20 thereafter furnished.

21 (11) Hearings conducted under authority of this section shall be conducted in the
 22 same manner as provided in Section 14 of this Act.

23 (12) The department shall have the power to promulgate administrative regulations as
 24 it may deem necessary to carry out the provisions of this section.

25 ➔Section 11. KRS 281.6301 is amended to read as follows:

26 (1) A person granted a taxicab, limousine, disabled persons vehicle, transportation
 27 network company, household goods, charter bus, or bus certificate[under KRS

281.624] shall obtain and retain for a period of at least three (3) years a nationwide criminal background check of each certificate holder, owner, official, employee, independent contractor, or agent operating a passenger or household goods vehicle, or whose duties may require in person contact with the public or entry into a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods.

(2) A[~~household goods~~] certificate holder shall not engage, permit, or employ any person, including the certificate holder, to perform any of the duties outlined in subsection (1) of this section if that person has been convicted of any of the following offenses:

- (a) A Class A felony;
- (b) A Class B felony; or
- (c) A sex crime as defined in KRS 17.500.

(3) A certificate holder shall not engage, permit, or employ any person, including the certificate holder, to operate a motor carrier vehicle if that person has been convicted of any of the following offenses:

- (a) Leaving the scene of a traffic accident;
- (b) Causing a fatality or fatalities through negligent operation of a vehicle;
- (c) Using a vehicle in the commission of a felony involving the manufacture or distribution of a controlled substance.

(4) A certificate holder shall not engage, permit, or employ any person, including the certificate holder, to operate a motor carrier vehicle if that person has been convicted of any of the following offenses in the past three (3) years:

- (a) Operating a motor vehicle on a suspended license in violation of KRS 186.620(2);
- (b) Operating a motor vehicle twenty-six (26) miles per hour or more in excess of the speed limit in violation of KRS 189.390; or

1 (c) Racing.

2 (5) A certificate holder shall not engage, permit, or employ any person, including the
 3 certificate holder, to operate a motor carrier vehicle if that person has four (4)
 4 convictions in the past three (3) years for operating a motor vehicle in excess of
 5 the speed limit in violation of KRS 189.390 or for any offense which requires the
 6 assessment of penalty points by the department.

7 (6) Criminal background checks under this section shall be:

- 8 (a) Performed at the expense of the ~~household goods~~ certificate holder;
 9 (b) Completed prior to the employment of or contracting with an applicant; and
 10 (c) Completed using an entity from an approved list issued by the
 11 department~~cabinet~~.

12 (4) The department~~cabinet~~ shall promulgate administrative regulations pursuant to
 13 KRS Chapter 13A to implement the provisions of this section.

14 ➔SECTION 12. KRS 281.631 IS REPEALED AND REENACTED TO READ
 15 AS FOLLOWS:

16 (1) No person shall act as a motor carrier without first obtaining a motor carrier
 17 vehicle license from the department for each motor carrier vehicle.

18 (2) Application for and renewal of a motor carrier vehicle license shall be made in
 19 such form as the department may require. Every motor carrier vehicle license
 20 shall be renewed annually.

21 (3) (a) Except as permitted under paragraph (b) of this subsection, an applicant or
 22 license holder shall pay to the department the following annual license fees:

23 1. Thirty dollars (\$30) for each taxicab, limousine, TNC, or disabled
 24 persons vehicle;

25 2. Ten dollars (\$10) for each motor carrier vehicle transporting
 26 household goods for hire;

27 3. One hundred dollars (\$100) for each charter bus or bus;

- 1 4. Fifteen dollars (\$15) for each motor carrier vehicle operating as a U-
- 2 Drive-It;
- 3 5. Ten dollars (\$10) for each motor carrier vehicle transporting property
- 4 other than household goods and those exempt under Section 5 of
- 5 this Act;
- 6 6. Ten dollars (\$10) for each motor carrier vehicle operating as a
- 7 driveaway; and
- 8 7. Ten dollars (\$10) for each automobile utility trailer.
- 9 (b) The cabinet may promulgate administrative regulations to set forth an
- 10 optional motor carrier vehicle license fee schedule under this subsection on
- 11 a bulk basis for applicants who employ or contract with more than fifty (50)
- 12 vehicles. Bulk application fees under these administrative regulations may
- 13 use a tiered system based on the type of certificate and the number of
- 14 vehicles.
- 15 (4) Before the department may issue or renew a motor carrier vehicle license, the
- 16 applicant or license holder shall:
- 17 (a) Pay the fee established under subsection (3) of this section;
- 18 (b) For a taxicab, limousine, disabled persons vehicle, TNC vehicle, charter
- 19 bus, and bus, provide a copy of the vehicle registration for each out-of-state
- 20 registered motor carrier vehicle being licensed, and if necessary, a
- 21 statement showing that the driver is an insured driver of the vehicle, and
- 22 that the registered owner or lessee authorizes the use of the vehicle for TNC
- 23 services; and
- 24 (c) For a taxicab, limousine, disabled persons vehicle, TNC vehicle, charter
- 25 bus, and bus, obtain and retain for a period of at least three (3) years, an
- 26 inspection of the motor vehicle in the manner and form as the department
- 27 may require.

- 1 (5) No motor carrier vehicle shall be operated after the expiration of the motor
 2 carrier vehicle license under which it is operated.
- 3 (6) All cities or counties of the Commonwealth may impose an annual license fee on
 4 an intrastate taxicab, limousine, or disabled persons vehicle operated from said
 5 city or county. The annual license fee shall not exceed thirty dollars (\$30) per
 6 vehicle.
- 7 (7) Notwithstanding any other provisions of this section, nonresident motor carriers
 8 engaged in transporting passengers for hire in irregular route interstate charter
 9 or special operations shall be exempt from all fees prescribed in this chapter, if
 10 reciprocal privileges are granted to similar nonresident carriers by the laws and
 11 regulations of his or her state.
- 12 (8) If any person required to pay a license fee under subsection (3) of this section,
 13 begins the operation of an additional motor carrier vehicle after the date of their
 14 certificate or renewal, the fee shall be as many twelfths of the annual fee as there
 15 are unexpired months in the certificate or renewal year.
- 16 (9) The department may promulgate administrative regulations as it deems necessary
 17 to carry out.

18 ➔ Section 13. KRS 281.635 is amended to read as follows:

19 Notwithstanding anything contained in this chapter:

- 20 (1) All cities of the Commonwealth are vested with the power to ~~sell franchises or,~~
 21 ~~where no franchise is sold,~~ grant authorization~~[authorizations]~~ for the operation
 22 off~~city~~ buses over their streets and highways~~;~~ ~~provided, however, no person shall~~
 23 ~~apply for or obtain any such franchise or authorization from any city without a prior~~
 24 ~~finding by the Department of Vehicle Regulation, after a hearing, conducted~~
 25 ~~pursuant to KRS 281.625, that there is a demand and necessity for the service~~
 26 ~~sought to be rendered, which finding shall be valid and effective for a period of one~~
 27 ~~(1) year from and after the date thereof, exclusive of any delay due to the order of~~

1 any court. Upon certification by the department to a city that there is a demand and
 2 necessity for the service sought to be rendered, any city may award any duly
 3 qualified person a franchise or authorization covering the proposed operation].
 4 Upon acquiring[~~a franchise or~~] authorization, the holder of the
 5 authorization[~~thereof~~] shall apply to the Department of Vehicle Regulation for a
 6 city] bus certificate[~~which shall be issued to the holder of the franchise or~~
 7 ~~authorization without a hearing. The governing body of any city which does not~~
 8 ~~have a city bus service may determine that there is a demand and necessity for a city~~
 9 ~~bus service, and may thereafter apply to the Department of Vehicle Regulation for a~~
 10 ~~city bus certificate to be operated by the city which may be issued without a hearing,~~
 11 ~~if the department determines that it will be in the public interest. Unless a certificate~~
 12 ~~is exercised within one (1) year from the grant thereof, exclusive of any delay due to~~
 13 ~~the order of any court, the authority conferred by the issuance of the certificate of~~
 14 ~~convenience and necessity shall be void].~~

15 (2)[~~The applicant for a certificate or renewal of a certificate to operate a city bus shall at~~
 16 ~~the time of application file with the department a map or maps showing the route or~~
 17 ~~routes and territory proposed to be served, together with a time schedule, and shall~~
 18 ~~thereafter, during the license year, file only those additional maps or time schedules~~
 19 ~~that the commissioner may require.~~

20 (3)} The governing body of any city in the Commonwealth in which city buses operate
 21 shall have supervisory and regulatory power over such[~~city~~] buses, while operating
 22 in the city, and shall have authority to enforce all ordinances or regulations
 23 pertaining to routes, services, time schedules, and operation of the[~~city~~] buses and
 24 the drivers thereof, but any interested party may appeal to the department from any
 25 action, finding, or order of any city within thirty (30) days after the entry of the
 26 action, finding, or order, and a hearing shall be held in accordance with Section 14
 27 of this Act[~~before the department in the same manner as other hearings are held as~~

provided for in this chapter]; however, any action, finding, or order of any city shall be sustained if there is substantial evidence or reason to support it; otherwise the department shall make the orders as it deems necessary and proper. However, where a carrier's entire operation is confined to intracity transportation within the corporate limits of a single city, there shall be no appeal to the department from the actions, findings, or orders of the city. Provided further, that where any city bus is subject to the regulatory powers of more than one (1) city and the regulations are in conflict or such as to impede the transportation facilities serving the cities, or the carrier is failing to furnish safe, adequate and convenient service to the public, the department may, upon complaint or on its own initiative, call a hearing and enter orders as are necessary and proper.

~~(3)~~~~(4)~~ The governing body of any city of the first class, a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census, and the city's suburban area, or the corporate limits of any city and its suburban area located in a county which contains a city of the first class, a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census, or an urban-county government, in the Commonwealth in which taxicabs, limousines, or disabled persons vehicles operate shall have concurrent supervisory and regulatory power over those certified carriers operating from~~taxicabs certified to operate in the city, and while operating in~~ the city, and shall have authority to enforce all ordinances or regulations pertaining to their~~the number and~~ operation~~of taxicabs~~, but any interested party may appeal to the department from any action, finding, or order of any city within thirty (30) days after the entry of the action, finding, or order, and a hearing shall be held in accordance with Section 14 of this Act~~before the department in the same manner as other hearings are held as provided for in this chapter~~; however, any action, finding, or order of any city shall

be sustained if there is substantial evidence or reason to support it; otherwise, the department shall make any orders that it deems necessary and proper. Where any taxicab, limousine, or disabled persons vehicle carrier is subject to the regulatory powers of more than one (1) city and the regulations of those cities are in conflict or impede serving the transportation needs of the Commonwealth, the department may, upon complaint or on its own initiative, call a hearing and enter orders as are necessary and proper, including establishing or requiring the establishment of uniform regulations~~[However, where a carrier's entire operation is confined to intracity transportation within the corporate limits of a single city, there shall be no appeal to the department from the actions, findings, or orders of the city].~~

~~(4)~~~~(5)~~ The governing body of any city of the first class, a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census, and the city's suburban area, or the corporate limits of any city and its suburban area located in a county which contains a city of the first class, a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census, or an urban-county government, in the Commonwealth is hereby vested with the concurrent~~[exclusive]~~ power to prescribe the qualifications with respect to the health, vision, sobriety, intelligence, ability, moral character, and experience of the drivers of taxicabs, limousines, or disabled persons vehicles operating from~~[certificated to operate in]~~ the city, and while operating in the city, and may issue permits for qualified drivers. However, any taxicab, limousine, disabled persons vehicle, or TNC vehicle driver must also possess a valid~~[Kentucky]~~ operator's license from Kentucky or another jurisdiction.

~~(5)~~~~(6)~~ — Until any city of the Commonwealth enacts ordinances or prescribes rules and regulations as may be reasonably necessary to exercise the prior powers delegated in this section to the cities respecting the supervision and regulation of city buses,

taxicabs, and taxicab drivers, the department shall possess the powers and may promulgate administrative regulations reasonably necessary to supervise and control city buses, taxicabs, and taxicab drivers, having regard for the public safety and the public need for service.

~~(7) If any city fails to exercise any of the authority granted it in this section, the authority shall be vested in the department.~~

~~(8) The department may, under the provisions of this chapter, originate, establish, change, promulgate, and enforce any rate that has or may be fixed by any contract, franchise, or agreement between the holder of any city bus certificate and any city, and all rights and obligations arising out of any contract regulating any rate shall be subject to the jurisdiction and supervision of the department, but no rate shall be changed nor any contract, franchise, or agreement affecting it be abrogated or changed until a hearing has been conducted.~~

~~(9)}~~ The governing body of a city shall not have authority over a motor vehicle that is being operated as a human service transportation delivery vehicle under a contract with the Transportation Cabinet in accordance with KRS 96A.095(4).

➔ Section 14. KRS 281.640 is amended to read as follows:

(1) Hearings before the department shall be conducted in accordance with the provisions of KRS Chapter 13B.~~[The hearing shall be conducted by an examiner, who shall be a practicing attorney in this state and who shall be a full time employee of the department. The examiner shall be appointed by the commissioner of the department.]~~

(2) After a hearing held upon the department's motion or upon complaint, in addition to the remedies outlined in subsection (10) of Section 10 of this Act, the department may suspend or revoke any certificate or license issued to a motor carrier if the department is satisfied the motor carrier or the motor carrier's drivers, other agents, or motor carrier vehicles:

- 1 (a) Violate the provisions of this chapter;
- 2 (b) Violate an order or administrative regulation promulgated by the
3 department;
- 4 (c) Violate the laws of this state; or
- 5 (d) Are found to be unfit to carry out the duties, obligations, and
6 responsibilities of a motor carrier.
- 7 (3) The commissioner or one (1) of the assistant commissioners with approval by the
8 commissioner, shall have authority to issue a final order of the department. The
9 recommended order shall not become the final order of the department through
10 failure to file exceptions, but in the absence of exceptions ordinarily will be taken
11 by the department as the basis of its final order. ~~[However, nothing contained in this~~
12 ~~section shall prevent the commissioner from holding or conducting any hearing,~~
13 ~~referred to in this section, in regard to rates, fares, and charges, and his decision~~
14 ~~shall be the final order of the department]~~
- 15 (4) The department shall have the right to withdraw, set aside, or amend any final
16 order it has issued, except that such action upon the part of the department shall
17 be taken between the date of the rendition of the final order and the expiration of
18 the time for appeal or until an appeal has been taken.
- 19 (5) The renewal by the department of the certificate of a motor carrier shall not be
20 construed to be a waiver of any violation that occurred prior to the renewal and
21 shall not prevent subsequent proceedings against the motor carrier.
- 22 (6) An appeal to the Franklin Circuit Court may be taken from any final order of the
23 department by anyone who was a party to the proceedings before it by filing a
24 petition of appeal with the clerk of the Franklin Circuit Court in accordance with
25 KRS Chapter 13B. In the case of an appeal in which a certificate has been
26 revoked or suspended, the certificate shall remain in force until final disposition
27 of the appeal.

➔Section 15. KRS 281.655 is amended to read as follows:

- (1) Before any certificate~~[or permit]~~ will be issued or renewed, the applicant or holder of the certificate~~[or permit]~~ shall file or shall have on file with the department one (1) or more~~[an]~~ approved indemnifying bonds~~[bond]~~ or insurance policies~~[policy]~~ issued by some surety company or insurance carrier authorized to transact business within the Commonwealth of Kentucky. The term of each~~[the]~~ bond or policy shall be continuous and shall remain in full force until canceled under proper notice. Each~~[The]~~ bond or policy shall have attached thereto the state insurance endorsement. All bonds or policies required under this section~~[herein]~~ shall be issued in the name of the holder of the certificate~~[or permit]~~. In lieu of the bonds~~[bond]~~ or policies~~[policy]~~, the department, under appropriate regulations, may require the filing of one (1) or more~~[an]~~ approved certificates~~[certificate]~~ of insurance, the terms~~[term]~~ of which shall be continuous and shall remain in force and effect until canceled under proper notice.
- (2) The bonds~~[bond]~~ or policies~~[policy]~~ required of a U-Drive-It or automobile utility trailer lessor shall provide public liability and property damage coverage when operated either by the lessee or lessor thereof or agents, servants, or employees of either.
- (3) All bonds or policies shall provide blanket coverage for all equipment operated pursuant to the certificate or permit.
- (4) ~~[Except as provided in subsection (12) of this section,]~~ The types and minimum amounts of insurance to be carried on each vehicle shall be as follows:

MOTOR VEHICLES FOR THE TRANSPORTATION OF PERSONS,

INCLUDING U-DRIVE-ITS

Death of	Total Liability	
or Injury	for Death	
to Any One	of or Injury	Property

Capacity	Person	to Persons	Damage
<u>7 regular seats</u>	<u>\$100,000.00</u>	<u>\$300,000.00</u>	<u>\$50,000.00</u>
<u>8 or more regular seats</u>	<u>\$100,000.00</u>	<u>\$600,000.00</u>	<u>\$50,000.00</u>
[7 persons or less	\$10,000.00	\$20,000.00	\$5,000.00
8 to 16 inclusive	10,000.00	30,000.00	5,000.00
17 to 25 inclusive	10,000.00	40,000.00	5,000.00
26 or more	10,000.00	50,000.00	5,000.00]

MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY,
INCLUDING U-DRIVE-ITS AND AUTOMOBILE UTILITY

TRAILERS

	Death of or Injury to Any One Person	Total Liability for Death of or Injury to Persons	Property Damage
<u>Gross Weight</u>			
<u>18,000 lbs. or less</u>	<u>\$100,000.00</u>	<u>\$300,000.00</u>	<u>\$50,000.00</u>
<u>More than 18,000 lbs.</u>	<u>\$100,000.00</u>	<u>\$600,000.00</u>	<u>\$50,000.00</u>
[18,000 lbs. or less	\$10,000.00	\$20,000.00	\$5,000.00
More than 18,000 lbs.	100,000.00	300,000.00	50,000.00]

(5) Any person, firm, or corporation operating or causing to be operated any vehicle for the transportation of petroleum or petroleum products in bulk in amounts less than ten thousand (10,000) pounds shall have the following types and minimum amount of insurance carried on each vehicle:

	Death of or Injury to Any One Person	Total Liability for Death of or Injury to Persons	Property Damage
	\$100,000.00	\$300,000.00	\$50,000.00

1 (6) Any person, firm, or corporation operating or causing to be operated any vehicle for
 2 the transportation of hazardous material as defined in KRS 174.405, except
 3 petroleum or petroleum products in bulk in amounts less than ten thousand (10,000)
 4 pounds, shall have on each vehicle single limits liability insurance coverage of not
 5 less than one million dollars (\$1,000,000) for all damages whether arising out of
 6 bodily injury or damage to property as a result of any one (1) accident or
 7 occurrence.

8 (7) Before any household goods certificate shall be issued or renewed, the applicant
 9 or certificate holder~~[Kentucky intrastate household goods motor carrier of property~~
 10 ~~shall be issued a certificate or renewal of a certificate, the motor carrier]~~ shall file or
 11 have on file with the department an approved insurance policy or bond
 12 compensating shippers or consignees for loss or damage to property belonging to
 13 shippers or consignees and coming into possession of the carrier in connection with
 14 its transportation service in the amounts required by 49 C.F.R. sec. 387.303(c) for
 15 interstate household goods motor carriers~~;~~

16 ~~(a) For loss of or damage to property carried on any one (1) motor vehicle in the~~
 17 ~~amount of five thousand dollars (\$5,000); and~~

18 ~~(b) For loss of or damage to or aggregate of losses or damages of or to property~~
 19 ~~occurring at any one (1) time and place in the amount of ten thousand dollars~~
 20 ~~(\$10,000)].~~

21 The policy or bond shall have attached thereto the Kentucky cargo policy
 22 endorsement and shall be issued by some insurance or surety company authorized to
 23 transact business within the Commonwealth of Kentucky. The term of the bond or
 24 policy shall be continuous and shall remain in full force until canceled under proper
 25 notice. In lieu of the bond or policy, the department, under appropriate regulations,
 26 may require the filing of an approved certificate of insurance, the term of which
 27 shall be continuous and shall remain in force and effect until canceled under proper

1 notice.

2 ~~(8)[The department may by regulation require motor carriers for hire operating~~
 3 ~~exclusively in interstate commerce to file proof of cargo insurance coverage in the~~
 4 ~~form and in the amounts the commissioner deems advisable.~~

5 ~~(9)]~~ No insurance company or insurance carrier issuing any policy filed with the
 6 department, and no surety or obligor on any bond or contract filed with the
 7 department, shall be relieved from liability under the policy, bond, or contract until
 8 after the expiration of thirty (30)~~[fifteen (15)]~~ days' notice to the department of an
 9 intention to cancel the policy, bond, or contract. A prior cancellation may be
 10 allowed in cases where one (1) policy, bond, or contract is substituted for another
 11 policy, bond, or contract if the substituted policy, bond, or contract is of force and
 12 effect at a time prior to the expiration of thirty (30)~~[fifteen (15)]~~ days' notice to the
 13 department of an intention to cancel the policy, bond, or contract for which the
 14 additional policy, bond, or contract is being substituted. The acceptance of any
 15 notice of an intention to cancel any policy, bond, or contract or the cancellation of
 16 any policy, bond, or contract by the department, unless under the circumstances set
 17 forth, shall not relieve the insurance company, insurance carrier, surety, or obligor
 18 of any liability that accrued prior to the effective date of the cancellation.

19 ~~(9)(10)]~~ Upon the cancellation of any bond or insurance policy required by this section,
 20 all operating rights granted by the certificate~~[or permit]~~ for which the bond or
 21 policy was filed, shall immediately cease, and the department may immediately
 22 require the cessation of all operations conducted under authority of the certificate~~[~~
 23 ~~or permit]~~, and may require the immediate surrender of all certificates~~[, permits]~~,
 24 licenses, and other evidence of a right to act as a motor carrier.

25 ~~(10)(11)]~~ The department may exempt in whole or in part from the requirements of this
 26 section any person who applies for the exemption and shows to the satisfaction of
 27 the department that, by reason of the financial ability of the person applying, there is

1 due assurance of the payment of all damages for which he or she may become liable
 2 as a result of the operation of any vehicle owned by him or her or operated under
 3 authority of his or her certificate~~[or permit]~~.

4 ~~(11)~~~~(12)~~ The minimum amounts of insurance to be carried on each taxicab shall be
 5 liability coverage of not less than twenty five thousand dollars (\$25,000) for all
 6 damages arising out of bodily injury sustained by any one (1) person, and not less
 7 than fifty thousand dollars (\$50,000) for all damages arising out of bodily injury
 8 sustained by all persons injured as a result of any one (1) accident, plus liability
 9 coverage of not less than ten thousand dollars (\$10,000) for all damages arising out
 10 of damage to or destruction of property, including the loss of use thereof, as a result
 11 of any one (1) accident arising out of ownership, maintenance, use, loading, or
 12 unloading of the insured vehicle.

13 ~~(13)~~ The provisions of this section notwithstanding, the Secretary of Transportation may
 14 adopt, incorporate by reference, or set forth in its entirety the provisions of Title 49,
 15 United States Code of Federal Regulations, Part 387, relating to the levels of
 16 financial responsibility for motor carriers, in effect as of the effective date of this
 17 Act~~[July 13, 1990]~~, or as amended after that date, with respect to any motor carrier
 18 operating in Kentucky.

19 (12) The cabinet shall promulgate administrative regulations to set standards for pre-
 20 trip acceptance liability policies and prearranged ride liability insurance policies
 21 for transportation network company vehicles. The minimum amount of
 22 insurance for pre-trip acceptance liability policies shall be fifty thousand dollars
 23 (\$50,000) for death and personal injury to one (1) person, one hundred thousand
 24 dollars (\$100,000) for death and personal injury resulting from one (1) incident,
 25 and twenty-five thousand dollars (\$25,000) for property damage. The minimum
 26 amount of insurance for prearranged ride liability policies shall be the same as
 27 for motor vehicles for the transportation of persons under subsection (4) of this

section. Pre-trip acceptance liability policies and prearranged ride liability policies may be issued by an eligible surplus lines insurer.

➔ Section 16. KRS 281.656 is amended to read as follows:

Upon the cancellation of any bond or insurance policy required by KRS 281.655, all operating rights granted by the certificate~~[or permit]~~ for which said bond or insurance policy was filed shall immediately abate *and be suspended*; provided, however, that if the bond or insurance policy is reinstated within *one hundred eighty (180)*~~[thirty (30)]~~ days from the date of cancellation the operating rights granted by the certificate~~[or permit]~~ shall again be in force and effect, otherwise they shall become void. Upon the event of the cancellation of any bond or insurance policy or upon the event of any order of the department cancelling or suspending the operating rights granted by any certificate,~~[or permit the department is empowered to immediately require the cessation of]~~ all operations conducted under authority of the affected certificate *shall cease*~~[or permit,]~~ and *the department may*~~[to]~~ require, through its agents, the surrender of all certificates~~[permits]~~, licenses, and other evidence of right to act as a motor carrier.

➔ Section 17. KRS 281.687 is amended to read as follows:

(1) As used in this section:

(a) "Motor vehicle renting company" means a holder of a *certificate*~~[permit]~~ as required under *Section 10 of this Act*~~[KRS 281.615]~~ to operate as a U-Drive-It~~[as defined in KRS 281.014]~~, which regularly engages in renting or leasing motor vehicles to customers for less than a sixty (60) day term as part of an established business;

(b) "Vehicle license costs" means the costs incurred by a motor vehicle renting company for licensing, titling, registration, property tax, plating, and inspecting rental motor vehicles; and

(c) "Vehicle license cost recovery fee" means a charge on a vehicle rental transaction originating within the Commonwealth that is separately stated on

1 the rental agreement to recover vehicle license costs.

2 (2) (a) If a motor vehicle renting company includes a vehicle license cost recovery
3 fee as a separately stated charge in a rental transaction, the amount of the fee
4 shall represent the company's good-faith estimate of the motor vehicle rental
5 company's daily charge to recover its actual total annual vehicle license costs.

6 (b) If the total amount of the vehicle license cost recovery fees collected by a
7 motor vehicle renting company under this section in any calendar year exceeds
8 the company's actual vehicle license costs, the motor vehicle renting company
9 shall:

- 10 1. Retain the excess amount; and
- 11 2. Adjust the vehicle cost recovery fee for the following calendar year by a
12 corresponding amount.

13 (3) Nothing in this section shall prevent a motor vehicle renting company from
14 including, or making adjustments during the calendar year to, separately stated
15 surcharges, fees, or charges in the rental agreement, which may include but are not
16 limited to vehicle license cost recovery fees, airport access fees, airport concession
17 fees, consolidated facility charges, and all applicable taxes.

18 ➔ Section 18. KRS 281.720 is amended to read as follows:

19 **Except for vehicles operating under a TNC, household goods, property, or U-Drive-It**
20 **certificate,** the department shall prescribe and furnish a **motor carrier license**
21 **plate**~~[distinguishing plate or plates]~~, which shall at all times be displayed on each motor
22 **carrier** vehicle authorized to be operated under a certificate~~[of public convenience and~~
23 ~~necessity or permit. Where a carrier is the holder of one or more city bus certificates, or~~
24 ~~the carrier holds both a city bus certificate or certificates and a suburban bus certificate or~~
25 ~~certificates, the department shall issue to it for each vehicle operated thereunder a city bus~~
26 ~~license plate which shall authorize the operation of said vehicle under either one or all the~~
27 ~~certificates so held].~~ **A**~~[No]~~ person shall **not** transfer **a motor carrier license plate**~~[such~~

1 plates} from one (1) motor vehicle to another, except by the authority and with the
 2 consent of the department.

3 ➔Section 19. KRS 281.728 is amended to read as follows:

4 (1) ~~A[No airport shuttle certificate]~~ holder of a[,] taxicab, limousine, disabled persons
 5 vehicle, transportation network company~~[certificate holder]~~, or U-Drive-It
 6 certificate~~[holder]~~ shall not advertise or hold itself out as supplying any other
 7 services,~~[limousine service]~~ unless the service is authorized by the carrier's
 8 certificate and the motor carrier vehicle in question meets the definition of the
 9 particular vehicle type being advertised or offered~~[limousine in KRS 281.014]~~.

10 (2) Nothing in this section shall preclude the holder of ~~a[an airport shuttle certificate,]~~
 11 taxicab, limousine, TNC, disabled persons vehicle~~[certificate]~~, or U-Drive-It
 12 certificate from operating a motor vehicle which meets the definition of more than
 13 one (1) type of motor carrier vehicle~~[a limousine under that certificate]~~.

14 ➔Section 20. KRS 281.730 is amended to read as follows:

15 (1) ~~[A motor carrier shall not require or permit any driver or chauffeur operating a~~
 16 ~~motor vehicle for hire under a certificate or permit to remain continuously on duty~~
 17 ~~for a longer period than twelve (12) hours, and when any driver or chauffeur has~~
 18 ~~been continuously on duty for twelve (12) hours he shall have at least eight (8)~~
 19 ~~consecutive hours off duty. A motor carrier shall not require or permit any driver or~~
 20 ~~chauffeur to remain on duty for a longer period than sixteen (16) hours in the~~
 21 ~~aggregate in any twenty four (24) hour period, and when a driver or chauffeur has~~
 22 ~~been on duty sixteen (16) hours in the aggregate in any twenty four (24) hour period~~
 23 ~~he shall have at least ten (10) consecutive hours off duty. The period of release from~~
 24 ~~duty required by this section shall be given at places and under circumstances that~~
 25 ~~allow rest and relaxation from the strain of the duties of the employment to be~~
 26 ~~obtained. A period off duty shall not be deemed to break the continuity of service~~
 27 ~~unless it is for at least three (3) consecutive hours and is given at a place and under~~

1 ~~circumstances that allow rest and relaxation from the strain of the duties of the~~
 2 ~~employment to be obtained. In case of an unforeseen emergency not resulting from~~
 3 ~~the negligence of the carrier or his agents, servants, or employees, the driver or~~
 4 ~~chauffeur may complete his run or tour of duty, if the run or tour of duty but for the~~
 5 ~~delay caused by the emergency could reasonably have been completed without a~~
 6 ~~violation of this section. The department may require reports as it deems necessary~~
 7 ~~for the enforcement of this section.~~

8 ~~(2) The provisions of this section shall not apply to matters relating to the wages, hours,~~
 9 ~~working conditions, and conditions of employment of the employees of motor~~
 10 ~~carriers when the employees are employed and working under and pursuant to a~~
 11 ~~collective bargaining agreement entered into between their employer and the~~
 12 ~~employees' collective bargaining agent or representative, for and on behalf of the~~
 13 ~~employees; provided that the collective bargaining agent or representative is a bona~~
 14 ~~fide labor organization.~~

15 ~~(3) Notwithstanding the above provisions,]~~The secretary of the Transportation Cabinet
 16 may adopt by reference or set forth in its entirety the provisions of 49 C.F.R. secs.
 17 350.341 and~~[49 C.F.R. sec.]~~ 395 in effect as of July 15, 1986, or as amended with
 18 respect to any motor vehicle registered in Kentucky.

19 ~~(2)[(4)]~~ The provisions of subsection~~[subsections]~~ (1)~~[to (3)]~~ of this section
 20 pertaining to the maximum driving and on-duty time shall not apply to transporters
 21 of agricultural commodities or farm supplies for agricultural purposes if the
 22 transportation is limited to an area within a one hundred (100) air mile radius from
 23 the source of the commodities or distribution point for the farm supplies and is
 24 during Kentucky's planting and harvesting seasons. For the purposes of this
 25 subsection, Kentucky's planting and harvesting seasons shall mean January 1 to
 26 December 31 of each year.

27 ~~(3)[(5)]~~ The provisions of subsection ~~(2)[(4)]~~ of this section shall be void if the

1 Secretary of the United States Department of Transportation determines through a
 2 rulemaking proceeding that Section 345(a).(1.) of the National Highway System
 3 Designation Act of 1995 presents a hazard to the traveling public.

4 ➔Section 21. KRS 281.735 is amended to read as follows:

5 (1) The department shall, in its safety regulations, prescribe rules prohibiting
 6 overcrowding in the various types of motor vehicles carrying passengers for hire.

7 (2) The owner or driver~~[or chauffeur]~~ of any motor vehicle for the transportation of
 8 passengers shall not permit any passengers to ride upon the steps or running-board
 9 of any such motor vehicle, nor shall he permit any passenger to ride on the top of
 10 any such motor vehicle unless the top has been designed and equipped with seats
 11 constructed for such use and provided with protecting railing or protective enclosure
 12 on all four (4) sides of the top of the vehicle, and unless such use has been
 13 authorized by a certificate issued by the department.

14 (3) No motor carrier shall operate a motor vehicle for the transportation of persons for
 15 hire, except~~[city and suburban]~~ buses, with an extreme width exceeding ninety-six
 16 (96) inches, except upon such highways which are a part of the state-maintained
 17 system upon which increased widths have been authorized by order of the
 18 commissioner of highways as provided by law. The extreme width of a~~[city or~~
 19 ~~suburban]~~ bus shall not exceed one hundred two (102) inches.

20 ➔Section 22. KRS 281.745 is amended to read as follows:

21 The driver~~[or chauffeur]~~ of any motor vehicle used in the transportation of passengers for
 22 hire shall stop such motor vehicle before crossing at grade the main track of any railroad~~[~~
 23 ~~or interurban electric railway]~~, except where the crossing is a guarded crossing protected
 24 by gates or a flag controlled or operated by an employee of the railroad~~[or interurban]~~
 25 company. The stop shall be made at not less than ten (10) feet nor more than thirty (30)
 26 feet from the nearest track to be crossed. After making the stop, the driver~~[chauffeur]~~
 27 shall look carefully in each direction for approaching cars or trains, and shall not start his

1 or her vehicle until he or she has ascertained that no cars or trains are approaching in
2 each direction.

3 ➔Section 23. KRS 281.752 is amended to read as follows:

4 *For motor carriers defined under KRS 138.655(5) and (7) and for the purposes of tax*
5 *collection*, the department may~~[shall prescribe and]~~ charge a fee~~[,]~~ of ten dollars (\$10) in
6 each instance~~[,]~~ for the issuance of such identifying plates, decals, cards, signs, or papers,
7 for the identification of motor vehicles, *operated within the state*~~[as defined in KRS~~
8 ~~281.011(3), (4) and (5) and KRS 138.655(5) and (7) which vehicles have been qualified~~
9 ~~for, and have been granted reciprocal privileges in Kentucky in regard to motor vehicle~~
10 ~~registration fees and highway use taxes. The commissioner may by reciprocal agreement~~
11 ~~with the proper officials of other jurisdictions waive such fees applicable to residents of~~
12 ~~such other jurisdictions which afford like privileges to residents of Kentucky].~~

13 ➔Section 24. KRS 281.760 is amended to read as follows:

14 Every motor carrier operating under a certificate or permit issued by the Department of
15 Vehicle Regulation shall observe traffic rules and regulations of each city and each urban-
16 county while operating therein.

17 ➔Section 25. KRS 281.775 is amended to read as follows:

18 The department may conduct any investigation, inquiry, or hearing that it may deem
19 proper in connection with the performance of its duties under this chapter with respect to
20 motor carriers. The investigation and inquiry may be conducted by or before the
21 commissioner or any of his assistants or any representative of the department designated
22 by the commissioner. Any hearing shall be conducted in accordance with *Section 14 of*
23 *this Act*~~[KRS Chapter 13B].~~

24 ➔Section 26. KRS 281.802 is amended to read as follows:

25 (1) A~~No~~ carrier who is the holder of a certificate~~[or permit]~~ issued by this department
26 shall not~~may~~ advertise under any name other than that in which its certificate~~[or~~
27 ~~permit]~~ is issued.

1 (2) ~~A[No]~~ person shall **not** advertise his **or her** services for the intrastate transportation
 2 of **passengers or** household goods~~[, as defined in KRS 281.624,]~~ without including
 3 in such advertisement the certificate~~[or permit]~~ number issued to him **or her** by the
 4 department.

5 ➔ Section 27. KRS 281.820 is amended to read as follows:

6 The department may require any motor carrier to keep within this state, subject to
 7 inspection at all reasonable times by the department, such books of account or **other**
 8 records as are reasonably necessary to enable the department to obtain full information at
 9 all times regarding the amounts due from such operator in fees or taxes **and in order to**
 10 **regulate the motor carrier's operation.** The books and records shall be at all times open
 11 to inspection by, **but shall not be kept or retained by,** the department.

12 ➔ Section 28. KRS 281.830 is amended to read as follows:

13 (1) Except as otherwise provided in KRS 138.470, 186.020 and 186.050 and in
 14 subsection (2) of this section, the fees and taxes prescribed by this chapter shall be
 15 in addition to the fees and taxes prescribed by any other law of this state.

16 (2) ~~A[No]~~ city or county **shall not**~~[may]~~ impose a license fee or tax upon any **intrastate**
 17 **taxicab, limousine, disabled persons vehicle, or TNC**~~[motor]~~ vehicle operated
 18 under a certificate~~[or permit]~~, except that a city may impose **an annual**~~[a]~~ license
 19 fee~~[or tax upon a taxicab]~~ as set out in subsection **(6) of Section 12 of this Act**~~[(4)~~
 20 ~~of KRS 186.281]~~.

21 **(3) A city or county shall not impose or collect any fee or tax of any kind upon any**
 22 **interstate or intrastate commercial private or for-hire motor carrier vehicle for**
 23 **loading or unloading of property, including household goods.**

24 ➔ Section 29. KRS 281.835 is amended to read as follows:

25 To carry out the declaration of policy provided for in **this chapter**~~[KRS 281.590]~~, the
 26 department may enter into **reciprocal**~~[reciprocity]~~ agreements with other jurisdictions
 27 whereby motor vehicles, as defined in KRS 186.010 and **Section 1 of this Act**~~[subsection~~

(2) of KRS 281.011], while operating into or through the Commonwealth of Kentucky in interstate commerce and properly licensed in another state, shall be exempt in whole or in part from registration fees and seat and mileage taxes under KRS Chapter 186, provided like or similar privileges are granted motor vehicles, as defined in KRS 186.010 and **Section 1 of this Act**[subsection (2) of KRS 281.011], properly licensed in this state.

→ Section 30. KRS 281.838 is amended to read as follows:

Any person who is a nonresident of the Commonwealth of Kentucky and who operates any motor vehicle as defined in **Section 1 of this Act**[subsection (2) of KRS 281.011] not entitled to exemption from the payment of the fees imposed by KRS 186.050 by reason of the terms of a reciprocal agreement existing between the Commonwealth of Kentucky and the state in which such vehicle is licensed, may, in lieu of the payment of the fees imposed by KRS 186.050, obtain from the Department of Vehicle Regulation a temporary permit. Under regulations adopted by the Department of Vehicle Regulation application for such a temporary permit shall be made and such permits shall be issued for a specified period not exceeding ten (10) days, and for a specific vehicle. The fee for each permit shall be twenty-five (\$25) dollars for any vehicle subject to the fees in KRS 186.050 for a vehicle and any towed unit with a declared gross weight of fifty-five thousand (55,000) pounds or less; or forty dollars (\$40) for any vehicle subject to the fees in KRS 186.050 for a vehicle and any towed unit with a declared gross weight of fifty-five thousand one (55,001) pounds or more.

→ Section 31. KRS 281.873 is amended to read as follows:

- (1) As used in this section and KRS 281.874, unless the context otherwise requires:
 - (a) "Certificate Type 01" means a private automobile;
 - (b) "Certificate Type 02" means a taxicab **or similar for-profit motor carrier vehicle**[service];
 - (c) "Certificate Type 03" means a bus service;
 - (d) "Certificate Type 04" means a nonprofit transit system;

- 1 (e) "Certificate Type 07" means a specialty carrier certified to transport
2 nonemergency, ambulatory disoriented persons;
- 3 (f) "Certificate Type 08" means a specialty carrier, using ramp or lift-equipped
4 vehicles in compliance with the Americans with Disabilities Act, certified to
5 transport nonemergency, nonambulatory persons;
- 6 (g) "Level of eligibility" means the specialty transport classification a person is
7 designated based upon the written recommendation of the person's personal
8 physician, physician assistant, advanced practice registered nurse, or qualified
9 mental health professional that is used to establish the type of specialty
10 transport needed for the person; and
- 11 (h) "Qualified mental health professional" shall have the same meaning as in KRS
12 202A.011.
- 13 (2) Except for members of the general public, the level of eligibility shall dictate both
14 the necessity and the type of special carrier transport for a person participating in
15 the human service transportation delivery program and shall ensure the person shall
16 be transported in the appropriate vehicle designed to accommodate the person's
17 level of eligibility. The broker shall, upon request by a recipient, provide specialty
18 carrier transportation for a period up to thirty (30) days without written
19 recommendation of the recipient's personal physician, physician assistant, advanced
20 practice registered nurse, or qualified mental health professional. A broker shall be
21 prohibited from changing or altering a person's level of eligibility and the
22 accompanying certificate type. A broker shall report questionable specialty
23 classifications to the cabinet.
- 24 (3) A parent, guardian, or designee of the parent or guardian shall accompany any
25 minor under the age of thirteen (13) who is receiving human service transportation
26 delivery program services. A parent, guardian, or designee of the parent or guardian
27 may accompany a minor between the ages of thirteen (13) and seventeen (17) who

1 is receiving human service transportation delivery program services.

2 (4) An escort shall not be required for any person aged thirteen (13) or older, unless the
3 person's physician, physician assistant, advanced practice registered nurse, or
4 qualified mental health professional has recommended that the person be
5 transported with an escort based upon one (1) of the following criteria:

6 (a) A history of a behavior that has resulted in harm to the person or to others
7 while receiving human service transportation delivery program services;

8 (b) A medical history of a behavior that indicates that the person may be a danger
9 to himself or herself or others; or

10 (c) Information that the person may become violent in a transportation setting
11 from the person's support coordinator, who is providing services under 907
12 KAR 1:145 or any other Medicaid program, and also from the person's parent
13 or guardian.

14 (5) A requirement for an escort under subsection (4) of this section shall be removed
15 upon the recommendation of the physician, physician assistant, advanced practice
16 registered nurse, or qualified mental health professional.

17 (6) If an escort is required under subsection (4) of this section, the transportation
18 provider shall provide one (1) escort per vehicle to pick up each individual at his or
19 her designated location, remain with the person during transport, and escort the
20 person to the designated health care provider or other covered service.

21 (7) If a person receiving transportation delivery services under a Certificate Type 07 or
22 08 is not required to have an escort under the provisions of subsection (4) of this
23 section, but needs assistance to and from the transportation vehicle, the
24 transportation provider shall provide that service if the following conditions exist:

25 (a) It would take less than five (5) minutes to accompany the person to and from
26 the transportation vehicle; and

27 (b) The transportation provider can maintain visual contact with his or her vehicle

1 if there are other persons receiving transportation delivery services remaining
2 in the vehicle.

3 (8) Any transportation provider that leaves a vehicle to accompany a person to or from
4 the transportation vehicle shall:

5 (a) Turn off the vehicle engine and retain the key in his or her possession; or

6 (b) Enable a transmission locking device that prohibits unauthorized use of the
7 vehicle and retain the key in his or her possession.

8 (9) If a person receiving human service transportation services does not require an
9 escort under the provisions of subsection (4) of this section, but needs assistance to
10 and from the vehicle, the transportation provider shall provide one (1) escort per
11 vehicle if the conditions of paragraphs (a) and (b) of subsection (7) of this section
12 do not exist.

13 (10) If a state agency has been appointed as the guardian of a person receiving human
14 service transportation program services, the state shall ensure that the transportation
15 provider provides an escort when the person meets the criteria under subsection (4)
16 of this section.

17 (11) A parent, guardian, or designee of the parent or guardian accompanying a minor
18 shall not be charged a fare.

19 ➔Section 32. KRS 281.883 is amended to read as follows:

20 (1) The Department of Kentucky State Police shall by administrative regulation
21 establish a system of administrative penalties for safety violations. These penalties
22 shall be compatible with those set forth in United States Code Title 49, Section
23 521(b), as amended, and any federal regulations adopted pursuant thereto. The
24 Department of Kentucky State Police shall by administrative regulation provide an
25 administrative process for appealing a citation of a safety violation or the penalty
26 imposed because of the violation.

27 (2) The department shall promulgate administrative regulations to establish a

procedure for administrative citation, assessment, and appeal of the penalties in Section 33 of this Act for any violation of the provisions of this chapter, or any order, rule, or administrative regulation lawfully issued pursuant to authority granted by this chapter. Any hearing pursuant to this subsection shall be conducted in accordance with KRS Chapter 13B.

→ Section 33. KRS 281.990 is amended to read as follows:

(1) Except as provided in subsection (5) of this section, a person shall be fined not less than twenty-five dollars (\$25) and no more than two hundred dollars (\$200), if the person:

(a) Violates, causes, aids, or abets any violation of the provisions of this chapter, or any order, rule, or administrative regulation lawfully issued pursuant to authority granted by this chapter;

(b) Knowingly makes any false or erroneous statement, report, or representation to the Department of Vehicle Regulation with respect to any matter placed under the jurisdiction of the department by this chapter;

(c) Knowingly makes any false entry in the accounts or records required to be kept pursuant to the authority granted by this chapter; or

(d) Knowingly fails to keep, or knowingly destroys or mutilates, any accounts or records.

Every device to evade or to prevent the application of any provision of this chapter, or any lawful order, rule or administrative regulation of the department issued pursuant thereto, shall constitute a violation thereof.

(2) (a) Any person who violates subsection (1) of Section 10 of this Act or subsection (1) of Section 12 of this Act[KRS 281.615(1)] shall be fined not less than five hundred[two thousand] dollars (\$500)[(\$2,000)] nor more than three thousand five hundred dollars (\$3,500).

(b) Any person who operates as a motor carrier in violation of the terms of his or

1 her certificate or motor carrier vehicle license~~[permit]~~ shall be fined not less
 2 than five hundred~~[two thousand]~~ dollars (\$500)~~[(\$2,000)]~~ nor more than three
 3 thousand five hundred dollars (\$3,500).

4 ~~(3)[In addition to the penalties prescribed in subsection (1) of this section, in case of~~
 5 ~~violation by any person in whose name an industrial bus is licensed, the person shall~~
 6 ~~forfeit all certificates and permits held by him, and shall not be eligible to hold any~~
 7 ~~certificate or permit for a period of five (5) years thereafter.~~

8 ~~(4)]~~ A person who violates subsection (9) of Section 10 of this Act~~[KRS 281.615(2)]~~
 9 shall not be subject to a penalty under this section.

10 ~~(4)]~~~~(5)]~~ (a) Except as provided in this subsection, any person who violates KRS
 11 281.757 shall be fined two hundred fifty dollars (\$250) for each offense.

12 (b) A person who is cited for a violation of KRS 281.757 in which the lights were
 13 inoperable or the reflectors were missing may, within thirty (30) days from the
 14 date of the citation, provide proof to the county attorney of the county in
 15 which the offense occurred that the mechanical problem has been repaired and
 16 that the lights are in working order or that the required reflectors have been
 17 placed on the vehicle. If such proof is shown, the citation shall be dismissed.

18 (c) A law enforcement officer and the department~~[Transportation Cabinet]~~ shall
 19 not issue a citation to a person as violating KRS 281.757 if the atmospheric
 20 conditions all motorists were subjected to at the time the person is stopped
 21 reasonably limit the ability of a person to keep the vehicle's lights or reflectors
 22 from being obscured by dirt, mud, or debris.

23 ➔Section 34. KRS 96A.010 is amended to read as follows:

24 As used in this chapter, unless the context otherwise requires, the following words or
 25 terms shall mean as follows:

26 (1) "City" means any incorporated city in the Commonwealth;

27 (2) "County" means any county in the Commonwealth wherein there is located an

- 1 incorporated city and for the purpose of this chapter shall also mean a county which
2 has adopted an urban-county government or consolidated local government;
- 3 (3) "State" means the Commonwealth;
- 4 (4) "Transit authority" or "authority" means a transit authority created pursuant to this
5 chapter;
- 6 (5) "Board" means the board of a transit authority;
- 7 (6) "Public body" means any city or county of the Commonwealth;
- 8 (7) "Governing body" means, as to a county, the fiscal court thereof; as to a
9 consolidated local government, the legislative council thereof; and as to a city, the
10 legislative body thereof, howsoever the same may be denominated according to law;
- 11 (8) "Proceedings" means, in the case of a county, a resolution of its fiscal court; and in
12 the case of a city or consolidated local government, an ordinance adopted and made
13 effective according to law by its governing body;
- 14 (9) "Joint proceedings" relates only to the establishment of a transit authority by two (2)
15 or more public bodies acting in concert or by agreement, and means the
16 proceedings, taken collectively, by the governing bodies of the public bodies
17 participating in the creation and establishment of a transit authority;
- 18 (10) "Appointing authority" means, as to a county, the county judge/executive thereof;
19 and as to any city or consolidated local government, the elected chief executive
20 officer, whether designated as its mayor or otherwise;
- 21 (11) "Area" or "transit area" means the geographical area which may be encompassed
22 from time to time within the lawful boundaries of such cities and counties as may
23 be involved in the creation and establishment of an authority; and of any cities or
24 counties within any single unified metropolitan area which may subsequently
25 become participants as provided in this chapter;
- 26 (12) "Mass transit" or "mass transportation" means the transportation of persons and
27 their baggage within or without a transit area, but shall not include the for-hire

1 operation of a taxicab, or ~~industrial~~ bus as defined by KRS Chapter 281;
 2 (13) "Human service transportation delivery" means the same as defined in Section 1 of
 3 this Act~~[KRS 281.014]~~;

4 (14) "Delivery area" means the same as defined in Section 1 of this Act~~[KRS 281.014]~~;
 5 and

6 (15) "Broker" means the same as defined in Section 1 of this Act~~[KRS 281.014]~~.

7 ➔Section 35. KRS 96A.020 is amended to read as follows:

8 (1) A transit authority may be created and established under the provisions of this
 9 chapter by proceedings or joint proceedings, and the name thereof shall be "Transit
 10 Authority of" If established by a city alone, or by a county alone, the name shall
 11 be completed by identification of the city or county. If created and established by
 12 joint proceedings, the name may be completed by inserting words generally
 13 identifying the area intended to be served, in such manner as the public bodies may
 14 determine by concert or agreement in their joint proceedings. Such transit authority
 15 shall constitute an agency and instrumentality for accomplishing essential
 16 governmental functions of the public body or public bodies creating and
 17 establishing the same, and shall be a political subdivision and a public body
 18 corporate, with power to contract and be contracted with, to sue and be sued, to
 19 establish, alter and enforce rules and regulations in furtherance of the purposes of its
 20 creation, to adopt, use and alter a corporate seal, and to have and exercise,
 21 generally, all of the powers of private corporations, as enumerated in KRS 271B.3-
 22 020, except to the extent the same may be inconsistent with this chapter. An
 23 authority shall be authorized to promote and develop mass transportation in its
 24 transit area and adjoining areas, including acquisition, operation and extension of
 25 existing mass transit systems; and an authority shall have and may exercise such
 26 powers as may be necessary or desirable to carry out such purposes.~~[Subject to~~
 27 ~~proof of public convenience and necessity as required by KRS Chapter 281, it may~~

1 ~~provide service outside its transit area and its adjoining areas.}~~

2 (2) Subsequent to the creation and establishment of a transit authority, one (1) or more
3 additional public bodies may be permitted to join therein, in such manner and
4 subject to such conditions as may be prescribed by the board of the authority with
5 the concurrence and approval of all public bodies which have theretofore
6 participated in the establishment or previous enlargement of the authority.

7 ➔Section 36. KRS 138.446 is amended to read as follows:

8 (1) ~~{City and suburban }~~Bus companies and taxicab companies operating under a
9 certificate~~[of convenience and necessity]~~ issued pursuant to KRS Chapter 281~~;~~
10 ~~taxicab companies regulated by a consolidated local government organized under~~
11 ~~KRS Chapter 67C or by an urban county government organized under KRS Chapter~~
12 ~~67A, holders of a nonprofit bus certificate as provided by KRS 281.619,}~~ and senior
13 citizen programs which utilize Title III funds of the Older Americans Act in the
14 provision of transportation services shall be entitled to a refund of seven-ninths
15 (7/9) of the amount of KRS Chapter 138 taxes paid on motor fuels used in their
16 regularly scheduled operations in Kentucky.

17 (2) No person shall be entitled to a refund pursuant to this section unless he shall have
18 first filed with the department a bond issued by a surety company authorized to do
19 business in Kentucky in an amount of not less than one thousand dollars (\$1,000)
20 nor more than five thousand dollars (\$5,000) to be determined by the department,
21 conditioned upon faithful compliance with this section and upon the payment to the
22 Commonwealth of any refunds to which he was not entitled.

23 (3) Applications for refund shall be filed with the department on a calendar quarter or
24 calendar year basis on forms and in the manner prescribed by it for refund of tax
25 paid on motor fuel used by buses or taxicabs. Each application for a refund shall
26 show the number of gallons of motor fuel purchased during the quarter for use in
27 buses or taxicabs; the date and quantity of each purchase; the vendor from whom

1 the fuel was purchased; the number of gallons on which refund is claimed; and
 2 other information the department may require. Invoices shall be attached to
 3 applications from taxicab companies.

- 4 (4) The department may require any gasoline dealer or any dealer's authorized agent to
 5 identify gasoline sold by him for taxicab use by adding any chemical or substance,
 6 which shall be furnished by the department and used in the manner as prescribed by
 7 the department. The department also may require that the dealer keep a complete
 8 record of all the gasoline sold by him, which records shall give the date of each sale,
 9 the number of gallons sold, the name of the person to whom sold, and the sale price.
- 10 (5) The department shall audit the application and make any other investigation it
 11 deems necessary to determine whether it constitutes a proper claim. When the
 12 department is satisfied that a refund is proper, it shall authorize seven-ninths (7/9)
 13 of the amount of the tax paid to be refunded as other refunds are made and the
 14 amount refunded shall be deducted from current motor fuel tax receipts. The tax
 15 shall be refunded with interest at the tax interest rate as defined in KRS 131.010(6).
- 16 (6) When the department finds that an application for a refund contains a false or
 17 fraudulent statement or that a refund has been fraudulently obtained, the department
 18 shall refuse to grant any refunds to the person making the false or fraudulent
 19 statement or fraudulently obtaining a refund for a period of two (2) years from the
 20 date of the findings.
- 21 (7) The department may prescribe, promulgate and enforce administrative regulations
 22 relating to the administration and enforcement of this section.
- 23 (8) The refund provided for in this section shall be effective on motor fuel purchased on
 24 or after July 1, 1978.

25 ➔Section 37. KRS 138.463 is amended to read as follows:

- 26 (1) A holder of a certificate~~[permit]~~ as required under Section 10 of this Act~~[KRS~~
 27 ~~281.615]~~ to operate as a U-Drive-It as defined in Section 1 of this Act~~[KRS~~

1 ~~281.014~~] may pay the usage tax as provided in KRS 138.460 or, subject to the
 2 provisions of this section, may pay a usage tax of six percent (6%) levied upon the
 3 amount of the gross rental or lease charges paid by a customer or lessee renting or
 4 leasing a motor vehicle from such holder of the certificate~~[permit]~~.

5 (2) The provisions of KRS 138.462 and this section shall apply to all rental and
 6 leasehold contracts entered into after March 9, 1990.

7 (3) A holder of a certificate~~[permit]~~ shall pay the usage tax as provided in KRS
 8 138.460 unless he shows to the satisfaction of the cabinet that he is regularly
 9 engaged in the renting or leasing of motor vehicles to retail customers as a part of
 10 an established business. The issuance of a U-Drive-It certificate~~[permit]~~ under the
 11 provisions of KRS Chapter 281 shall create a rebuttable presumption that the holder
 12 of a certificate~~[permit]~~ is regularly engaged in renting or leasing. Persons first
 13 engaging in the renting or leasing of motor vehicles to retail customers shall, in
 14 addition to obtaining a certificate~~[permit]~~ required under Section 10 of this
 15 ~~Act~~~~[KRS 281.615]~~, demonstrate to the satisfaction of the cabinet that they are
 16 prepared to qualify under the standards set forth in this subsection.

17 (4) In the event the holder of such certificate~~[permit]~~ qualifies under subsection (3) of
 18 this section and elects to pay the usage tax by the alternate method as provided in
 19 subsection (1) of this section, or is required by subsection (8) of this section to pay
 20 by the alternate method, he shall pay the fee~~[seat-tax]~~ imposed by subsection (3) of
 21 Section 12 of this Act~~[KRS 186.281(3)]~~ and in addition shall pay the monthly tax
 22 authorized by subsection (1) of this section.

23 (5) The tax authorized by subsection (1) of this section shall be the direct obligation of
 24 the holder of the certificate~~[permit]~~ but it may be charged to and collected from the
 25 customer in addition to the rental or lease charges. The tax due shall be remitted to
 26 the cabinet each month on forms and pursuant to regulations promulgated by the
 27 cabinet.

- 1 (6) (a) As soon as practicable after each return is received, the cabinet shall examine
 2 and audit it. If the amount of tax computed by the cabinet is greater than the
 3 amount returned by the taxpayer, the excess shall be assessed by the cabinet
 4 within four (4) years from the date the return was filed, except as provided in
 5 paragraph (c) of this subsection, and except that in the case of a failure to file
 6 a return or of a fraudulent return the excess may be assessed at any time. A
 7 notice of such assessment shall be mailed to the taxpayer. The time herein
 8 provided may be extended by agreement between the taxpayer and the cabinet.
- 9 (b) For the purpose of paragraphs (a) and (c) of this subsection, a return filed
 10 before the last day prescribed by law for the filing thereof shall be considered
 11 as filed on such last day.
- 12 (c) Notwithstanding the four (4) year time limitation of paragraph (a) of this
 13 subsection, in the case of a return where the tax computed by the cabinet is
 14 greater by twenty-five percent (25%) or more than the amount returned by the
 15 taxpayer, the excess shall be assessed by the cabinet within six (6) years from
 16 the date the return was filed.
- 17 (7) Failure of the holder of the certificate~~[permit]~~ to remit the taxes applicable to the
 18 rental charges as provided herein shall be sufficient cause for the Department of
 19 Vehicle Regulation to void the certificate~~[permit]~~ issued to such holder and the
 20 usage tax on each of the motor vehicles which had been registered by the holder
 21 under the certificate~~[permit]~~ shall be due and payable on the retail price of each
 22 such motor vehicle when it was first purchased by the holder.
- 23 (8) Notwithstanding the provisions of KRS 138.460 and subsection (1) of this section, a
 24 holder of a certificate~~[permit]~~ operating a fleet of rental passenger cars which has
 25 been registered pursuant to an allocation formula approved by the cabinet shall pay
 26 the tax by the method provided in this section. The provisions of this section shall
 27 apply to all vehicles rented by the holder in this state.

1 (9) The usage tax reported and paid on every rental or lease of a vehicle registered
 2 pursuant to this section shall be based on the fair market rental or lease value of the
 3 vehicle. Fair market rental or lease value shall be based on standards established by
 4 administrative regulation promulgated by the cabinet. The cabinet may remove a
 5 vehicle from the U-Drive-It program without a hearing if it is determined by the
 6 cabinet that no taxes have been remitted on that vehicle during the registration
 7 period. However, the tax reported and paid to the Transportation Cabinet shall not
 8 be less than the amount due based on the actual terms of a rental or lease agreement.
 9 The burden of proving that the consideration charged by the holder satisfies this
 10 subsection is on the holder.

11 ➔Section 38. KRS 186.050 is amended to read as follows:

- 12 (1) The annual registration fee shall be eleven dollars fifty cents (\$11.50) for:
- 13 (a) Motor vehicles, including pickup trucks and passenger vans; and
- 14 (b) Motor carrier vehicles, as defined in Section 1 of this Act~~taxicabs, airport~~
 15 ~~limousines, and U-Drive-Its~~, primarily designed for carrying passengers or
 16 passengers for hire and having been designed or constructed to
 17 transport~~provisions for~~ not more than fifteen (15)~~nine (9)~~ passengers,
 18 including the operator~~, and pickup trucks and passenger vans which are not~~
 19 ~~being used on a for hire basis shall be eleven dollars fifty cents (\$11.50)]~~.
- 20 (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for
 21 each motorcycle shall be nine dollars (\$9).
- 22 (3) (a) All motor vehicles having a declared gross weight of vehicle and any towed
 23 unit of ten thousand (10,000) pounds or less, except those mentioned in
 24 subsections (1) and (2) of this section~~and those engaged in hauling~~
 25 ~~passengers for hire, operating under certificates of convenience and necessity~~,
 26 are classified as commercial vehicles and the annual registration fee, except as
 27 provided in subsections (4) to (14) of this section, shall be eleven dollars and

fifty cents (\$11.50).

- (b) All motor vehicles, except those mentioned in subsections (1) and (2) of this section, and those engaged in hauling passengers for hire which are designed or constructed to transport more than fifteen (15) passengers including the operator, whose registration fee shall be one hundred dollars (\$100), ~~{operating under certificates of convenience and necessity, }~~ are classified as commercial vehicles and the annual registration fee, except as provided in subsections (3)(a) and (4) to (14) of this section, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-55,000	669.00
55,001-62,000	1,007.00
62,001-73,280	1,250.00
73,281-80,000	1,410.00

- (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six thousand (26,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross

1 weight of twenty-six thousand (26,000) pounds or less, and that during
2 the next twelve (12) months the truck shall not be used in for-hire
3 transportation and may be used in transporting persons, food, provender,
4 feed, machinery, livestock, material, and supplies necessary for his
5 farming operation, and the products grown on his farm.

- 6 2. Any farmer owning a truck having a gross weight of twenty-six
7 thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds
8 may have it registered as a farmer's truck and obtain a license for eleven
9 dollars and fifty cents (\$11.50). The applicant's signature upon the
10 certificate of registration and ownership shall constitute a certificate that
11 he is a farmer engaged in the production of crops, livestock, or dairy
12 products, that he owns a truck of the gross weight between twenty-six
13 thousand one (26,001) pounds and thirty-eight thousand (38,000)
14 pounds, and that during the next twelve (12) months the truck shall not
15 be used in for-hire transportation and may be used in transporting
16 persons, food, provender, feed, machinery, livestock, material, and
17 supplies necessary for his farming operation and the products grown on
18 his farm.

- 19 (b) Any farmer owning a truck having a declared gross weight in excess of thirty-
20 eight thousand (38,000) pounds shall not be required to pay the fee set out in
21 subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%)
22 of the fee set out in subsection (3) of this section and shall be exempt from
23 any fee charged under the provisions of KRS 281.752. The applicant's
24 signature upon the registration receipt shall be considered to be a certification
25 that he is a farmer engaged solely in the production of crops, livestock, or
26 dairy products, and that during the current registration year the truck will be
27 used only in transporting persons, food, provender, feed, and machinery used

1 in operating his farm and the products grown on his farm.

2 (c) An initial applicant for, or an applicant renewing, his or her registration
3 pursuant to this subsection, may at the time of application make a voluntary
4 contribution to be deposited into the agricultural program trust fund
5 established in KRS 246.247. The recommended voluntary contribution shall
6 be set at ten dollars (\$10) and automatically added to the cost of registration or
7 renewal unless the individual registering or renewing the vehicle opts out of
8 contributing the recommended amount. The county clerk shall collect and
9 forward the voluntary contribution to the cabinet for distribution to the
10 Department of Agriculture.

11 (5) Any person owning a truck or bus used solely in transporting school children and
12 school employees may have the truck or bus registered as a school bus and obtain a
13 license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in
14 addition to other information required, an affidavit stating that the truck or bus is
15 used solely in the transportation of school children and persons employed in the
16 schools of the district, that he has caused to be printed on each side of the truck or
17 bus and on the rear door the words "School Bus" in letters at least six (6) inches
18 high, and of a conspicuous color, and the truck or bus will be used during the next
19 twelve (12) months only for the purpose stated.

20 (6) Any church or religious organization owning a truck or bus used solely in
21 transporting persons to and from a place of worship or for other religious work may
22 have the truck or bus registered as a church bus and obtain a license for eleven
23 dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other
24 information required, an affidavit stating that the truck or bus will be used only for
25 the transporting of persons to and from a place of worship, or for other religious
26 work, and that there has been printed on the truck or bus in large letters the words
27 "Church Bus," with the name of the church or religious organization owning and

1 using the truck or bus, and that during the next twelve (12) months the truck or bus
2 will be used only for the purpose stated.

3 (7) Any person owning a motor vehicle with a gross weight of fourteen thousand
4 (14,000) pounds or less on which a wrecker crane or other equipment suitable for
5 wrecker service has been permanently mounted may register the vehicle and obtain
6 a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in
7 addition to other information required, an affidavit that a wrecker crane or other
8 equipment suitable for wrecker service has been permanently mounted on such
9 vehicle and that during the next twelve (12) months the vehicle will be used only in
10 wrecker service. If the gross weight of the vehicle exceeds fourteen thousand
11 (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of
12 this section. The gross weight of a vehicle used in wrecker service shall not include
13 the weight of the vehicle being towed by the wrecker.

14 (8) Motor vehicles having a declared gross weight in excess of eighteen thousand
15 (18,000) pounds, which when operated in this state are used exclusively for the
16 transportation of property within the limits of the city named in the affidavit
17 hereinafter required to be filed, or within ten (10) miles of the city limits of the city
18 if it is a city with a population equal to or greater than three thousand (3,000) based
19 upon the most recent federal decennial census, or within five (5) miles of its limits
20 if it is a city with a population of less than three thousand (3,000) based upon the
21 most recent federal decennial census, or anywhere within a county containing an
22 urban-county government, shall not be required to pay the fee as set out in
23 subsection (3) of this section, and in lieu thereof shall pay seventy-five percent
24 (75%) of the fee set forth in subsection (3) of this section and shall be exempt from
25 any fee charged under the provisions of KRS 281.752. Nothing in this section shall
26 be construed to limit any right of nonresidents to exemption from registration under
27 any other provisions of the laws granting reciprocity to nonresidents. Operations

1 outside of this state shall not be considered in determining whether or not the
2 foregoing mileage limitations have been observed. When claiming the right to the
3 reduced fee, the applicant's signature on the certificate of registration and ownership
4 shall constitute a certification or affidavit stating that the motor vehicle when used
5 within this state is used only for the transportation of property within the city to be
6 named in the affidavit and the area above set out and that the vehicle will not be
7 used outside of a city and the area above set out during the current registration
8 period.

9 (9) Motor vehicles having a declared gross weight in excess of eighteen thousand
10 (18,000) pounds, which are used exclusively for the transportation of primary forest
11 products from the harvest area to a mill or other processing facility, where such mill
12 or processing facility is located at a point not more than fifty (50) air miles from the
13 harvest area or which are used exclusively for the transportation of concrete blocks
14 or ready-mixed concrete from the point at which such concrete blocks or ready-
15 mixed concrete is produced to a construction site where such concrete blocks or
16 ready-mixed concrete is to be used, where such construction site is located at a point
17 not more than thirty (30) air miles from the point at which such concrete blocks or
18 ready-mixed concrete is produced shall not be required to pay the fee as set out in
19 subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent
20 (75%) of the fee set out in subsection (3) of this section and shall be exempt from
21 any fee charged under the provisions of KRS 281.752. The applicant's signature
22 upon the certificate of registration and ownership shall constitute a certification that
23 the motor vehicle will not be used during the current registration period in any
24 manner other than that for which the reduced fee is provided in this section.

25 (10) Any owner of a commercial vehicle registered for a declared gross weight in excess
26 of eighteen thousand (18,000) pounds, intending to transfer same and desiring to
27 take advantage of the refund provisions of KRS 186.056(2), may reregister such

1 vehicle and obtain a "For Sale" certificate of registration and ownership for one
2 dollar (\$1). Title to a vehicle so registered may be transferred, but such registration
3 shall not authorize the operation or use of the vehicle on any public highway. No
4 refund may be made under the provisions of KRS 186.056(2) until such time as the
5 title to such vehicle has been transferred to the purchaser thereof. Provided,
6 however, that nothing herein shall be so construed as to prevent the seller of a
7 commercial vehicle from transferring the registration of such vehicle to any
8 purchaser thereof.

9 (11) The annual registration fee for self-propelled vehicles containing sleeping or eating
10 facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be
11 designated "Recreational vehicle." The foregoing shall not include any motor
12 vehicle primarily designed for commercial or farm use having temporarily attached
13 thereto any sleeping or eating facilities, or any commercial vehicle having sleeping
14 facilities.

15 (12) The registration fee on any vehicle registered under this section shall be increased
16 fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.

17 (13) (a) The Department of Vehicle Regulation is authorized to negotiate and execute
18 an agreement or agreements for the purpose of developing and instituting
19 proportional registration of motor vehicles engaged in interstate commerce, or
20 in a combination of interstate and intrastate commerce, and operating into,
21 through, or within the Commonwealth of Kentucky. The agreement or
22 agreements may be made on a basis commensurate with, and determined by,
23 the miles traveled on, and use made of, the highways of this Commonwealth
24 as compared with the miles traveled on and use made of highways of other
25 states, or upon any other equitable basis of proportional registration.
26 Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate
27 administrative regulations concerning the registration of motor vehicles under

1 any agreement or agreements made under this section and shall provide for
2 direct issuance by it of evidence of payment of any registration fee required
3 under such agreement or agreements. Any proportional registration fee
4 required to be collected under any proportional registration agreement or
5 agreements shall be in accordance with the taxes established in this section.

6 (b) Any owner of a commercial vehicle who is required to title his motor vehicle
7 under this section shall first title such vehicle with the county clerk pursuant
8 to KRS 186.020 for a state fee of one dollar (\$1). Title to such vehicle may be
9 transferred; however title without proper registration shall not authorize the
10 operation or use of the vehicle on any public highway. Any commercial
11 vehicle properly titled in Kentucky may also be registered in Kentucky, and,
12 upon payment of the required fees, the department may issue an apportioned
13 registration plate to such commercial vehicle.

14 (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which
15 vehicle is subject to apportioned registration, as provided in paragraph (a) of
16 this subsection, may be registered in Kentucky, and, upon proof of proper title
17 and payment of the required fees, the department may issue an apportioned
18 registration plate to the commercial vehicle. The department shall promulgate
19 administrative regulations in accordance with this section.

20 (14) Any person seeking to obtain a special license plate for an automobile that has been
21 provided to him pursuant to an occupation shall meet both of the following
22 requirements:

23 (a) The automobile shall be provided for the full-time exclusive use of the
24 applicant; and

25 (b) The applicant shall obtain permission in writing from the vehicle owner or
26 lessee on a form provided by the cabinet to use the vehicle and for the vehicle
27 to bear the special license plate.

1 (15) An applicant for any motor vehicle registration issued pursuant to this section shall
 2 have the opportunity to make a donation of two dollars (\$2) to promote a hunger
 3 relief program through specific wildlife management and conservation efforts by the
 4 Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an
 5 applicant elects to make a contribution under this subsection, the two dollar (\$2)
 6 donation shall be added to the regular fee for any motor vehicle registration issued
 7 pursuant to this section. One (1) donation may be made per issuance of each
 8 registration. The fee shall be paid to the county clerk and shall be transmitted by the
 9 State Treasurer to the Department of Fish and Wildlife Resources to be used
 10 exclusively for the purpose of wildlife management and conservation activities in
 11 support of hunger relief. The county clerk may retain up to five percent (5%) of the
 12 fees collected under this subsection for administrative costs associated with the
 13 collection of this donation. Any donation requested under this subsection shall be
 14 voluntary and may be refused by the applicant at the time of issuance or renewal of
 15 a license plate.

16 ➔Section 39. KRS 186.164 is amended to read as follows:

17 (1) The SF portion of the fee required under KRS 186.162 shall include the fee to
 18 reflectorize all license plates under KRS 186.240. All EF fees required under KRS
 19 186.162 shall be collected at the time of an initial or renewal application by the
 20 county clerk who shall forward the EF fee to the cabinet. The cabinet shall remit EF
 21 fees to the group or organization identified in KRS 186.162 on a quarterly basis.
 22 The cabinet may retain any investment income earned from holding EF fees
 23 designated to be remitted under this subsection to offset administrative costs
 24 incurred by the cabinet in the administration of EF fees.

25 (2) A special license plate shall be the color and design selected by the group or
 26 organization identified in subsection (13) of this section, contingent upon the
 27 approval of the Transportation Cabinet. In addition to the design selected for a

1 special license plate, the name "Kentucky," an annual renewal decal, and any
2 combination of letters or numerals required by the cabinet in the design shall also
3 appear on the plate.

4 (3) Except as provided in KRS 186.162, the total initial fee for a special license plate
5 created under this chapter shall be twenty-eight dollars (\$28), of which the
6 Transportation Cabinet shall receive twenty-five dollars (\$25) and the county clerk
7 shall receive three dollars (\$3), and the total renewal fee shall be fifteen dollars
8 (\$15), of which the Transportation Cabinet shall receive twelve dollars (\$12) and
9 the county clerk shall receive three dollars (\$3). The twenty-five dollar (\$25) initial
10 fee and twelve dollar (\$12) renewal fee received by the Transportation Cabinet
11 under this subsection shall include an applicant's registration fee required under
12 KRS 186.050.

13 (4) An actual metal special license plate shall be issued on the same schedule as regular
14 license plates are issued under KRS 186.240. The cabinet shall have the discretion
15 to extend the time period that will exist between the date a metal special license
16 plate is issued and the date that regular plates are issued under KRS 186.240. A
17 renewal registration decal shall be issued all other years during the owner's or
18 lessee's birth month, except as provided in KRS 186.041(2), 186.042(5), and
19 186.174(2). A person seeking a special license plate for a vehicle provided as part
20 of the person's occupation shall conform to the requirements of KRS 186.050(14).

21 (5) (a) If a special license plate issued under this chapter deteriorates to the point that
22 the lettering, numbering, or images on the face of the plate are not legible, the
23 plate shall be replaced free of charge, if the owner or lessee has not transferred
24 the vehicle to which the plate was issued during the current licensing period.

25 (b) If a special license plate issued under this chapter is lost, stolen, or damaged in
26 an accident, the county clerk shall issue a new plate upon payment of a three
27 dollar (\$3) county clerk fee, if the owner or lessee has not transferred the

1 vehicle to which the plate was issued during the current licensing period.

2 (6) Upon the sale, transfer, or termination of a lease of a vehicle with any special
3 license plate issued under this chapter, the owner or lessee shall remove the special
4 plate and return it and the certificate of registration to the county clerk. The county
5 clerk shall reissue the owner or lessee a regular license plate and a certificate of
6 registration upon payment of a three dollar (\$3) county clerk fee. If the owner or
7 lessee requests, the county clerk shall reissue the special plate upon payment of a
8 three dollar (\$3) county clerk fee for use on any other vehicle of the same
9 classification and category owned, leased, or acquired by the person during the
10 current licensing period. If the owner or lessee has the special plate reissued to a
11 vehicle which has been previously registered in this state, the regular license plate
12 that is being replaced shall be returned to the county clerk who shall forward the
13 plate to the Transportation Cabinet.

14 (7) A special license plate may be issued to the owner or lessee of a motor vehicle that
15 is required to be registered under KRS 186.050(1), (3)(a), or (4)(a), except a special
16 license plate shall not be issued to a taxicab, ~~airport~~ limousine, or U-Drive-It
17 registered and licensed under this chapter or KRS Chapter 281. A person applying
18 for a special license plate shall apply in the office of the county clerk in the county
19 of the person's residence, except as provided in KRS 186.168(3). All special license
20 plates issued under this chapter may be combined with a personalized license plate
21 under the provisions of KRS 186.174. The fee to combine a special license plate
22 with a personalized license plate shall be as established in KRS 186.162(3).

23 (8) Within thirty (30) days of termination from election to, appointment to, or
24 membership with any group or organization, an applicant to whom a special license
25 plate was issued under this chapter shall return the special license plate to the
26 county clerk of the county of his or her residence, unless the person is merely
27 changing his or her status with the group or organization to retired.

- 1 (9) A group wanting to create a special license plate that is not authorized under this
2 chapter on June 20, 2005, shall comply with the following conditions before being
3 eligible to apply for a special license plate:
- 4 (a) The group shall be nonprofit and based, headquartered, or have a chapter in
5 Kentucky;
 - 6 (b) The group may be organized for, but shall not be restricted to, social, civic, or
7 entertainment purposes;
 - 8 (c) The group, or the group's lettering, logo, image, or message to be placed on
9 the license plate, if created, shall not discriminate against any race, color,
10 religion, sex, or national origin, and shall not be construed, as determined by
11 the cabinet, as an attempt to victimize or intimidate any person due to the
12 person's race, color, religion, sex, or national origin;
 - 13 (d) The group shall not be a political party and shall not have been created
14 primarily to promote a specific political belief;
 - 15 (e) The group shall not have as its primary purpose the promotion of any specific
16 faith, religion, or antireligion;
 - 17 (f) The name of the group shall not be the name of a special product or brand
18 name, and shall not be construed, as determined by the cabinet, as promoting a
19 product or brand name; and
 - 20 (g) The group's lettering, logo, image, or message to be placed on the license
21 plate, if created, shall not be obscene, as determined by the cabinet.
- 22 (10) If the cabinet denies to issue a group a special license plate based upon the
23 conditions specified in subsection (9) of this section, the cabinet shall, immediately
24 upon denying to issue a group a special license plate, notify in writing the
25 chairperson of both the House and Senate standing committees on transportation of
26 the denial and the reasons upon which the cabinet based the denial. A person
27 seeking a personalized license plate under KRS 186.174 shall be subject to the

1 conditions specified in subsection (9)(c) to (g) of this section.

2 (11) If the cabinet approves a request for a special license plate, the cabinet shall begin
3 designing and printing the plate after the group collects a minimum of nine hundred
4 (900) applications with each application being accompanied by a twenty-five dollar
5 (\$25) state fee. The applications and accompanying fee shall be submitted to the
6 cabinet at one (1) time as a whole and shall not be submitted individually or
7 intermittently.

8 (12) An initial applicant for, or an applicant renewing, his or her registration for a special
9 license plate may, at the time of application, make a voluntary contribution that the
10 county clerk shall forward to the cabinet. The entity that sponsors a special plate
11 established by the process outlined in this section may set a requested donation
12 amount, not to exceed ten dollars (\$10), that will automatically be added to the cost
13 of registration or renewal, unless the individual registering or renewing the vehicle
14 registration opts out of contributing that recommended amount. The cabinet shall,
15 on an annual basis, remit the voluntary contributions to the appropriate group
16 identified to be used for the declared purpose stated under subsection (13) of this
17 section. The cabinet may retain any investment income earned from holding
18 voluntary contributions designated to be remitted under this subsection to offset
19 administrative costs incurred by the cabinet in the administration of the
20 contributions. Any group or organization that receives a mandatory EF fee under
21 KRS 186.162 shall submit the information required under subsection (13)(a) and (c)
22 of this section to the Transportation Cabinet within thirty (30) days of June 20,
23 2005.

24 (13) If a group wants to receive a donation when the group or organization's special
25 license plate is initially purchased or renewed under subsection (12) of this section,
26 the group shall, at the time the nine hundred (900) applications are submitted to the
27 Transportation Cabinet, also submit a notarized affidavit to the cabinet attesting to:

- 1 (a) The name, address, and telephone number for the group or organization. If the
2 group or organization does not have its headquarters in the Commonwealth,
3 then the name, address, and telephone number for the group or organization's
4 Kentucky state chapter shall be required. The names of the officers of the
5 group or organization shall also be required. If the entity receiving funds
6 under subsection (12) of this section is not a state governmental agency, a
7 program unit within a state governmental agency, or is a group or organization
8 that does not have a statewide chapter, then an extra donation for use by the
9 group or organization shall be prohibited;
- 10 (b) The amount of the monetary donation the group wants to receive when a
11 person purchases the group or organization's special license plate; and
- 12 (c) The purpose for which the donated funds will be used by the group or
13 organization. Donated funds shall not be limited for use by members of the
14 group or organization, and shall not be used for administrative or personnel
15 costs of the group or organization.
- 16 (14) All funds received by a group or organization under subsection (12) of this section
17 shall be deposited into an account separate from all other accounts the group or
18 organization may have, and the account shall be audited yearly at the expense of the
19 group or organization. The completed audit shall be forwarded to the Transportation
20 Cabinet in Frankfort. One hundred percent (100%) of the funds received by a group
21 or organization under subsection (12) of this section shall be used for the express
22 purpose identified by the group in subsection (13) of this section. Any group or
23 organization that receives a mandatory EF fee under KRS 186.162 shall comply
24 with the provisions of this subsection.
- 25 (15) The secretary of the Transportation Cabinet shall promulgate administrative
26 regulations under KRS Chapter 13A to establish additional rules to implement the
27 issuance of special license plates issued under this chapter, including but not limited

1 to:

2 (a) Documentation that will be required to accompany an application for a special
3 license plate to provide proof of:

- 4 1. Election to the United States Congress or the Kentucky General
5 Assembly;
- 6 2. Election or appointment to the Kentucky Court of Justice;
- 7 3. Membership in a Masonic Order, Fraternal Order of Police, or
8 emergency management organization;
- 9 4. Eligibility for membership in the Gold Star Mothers of America;
- 10 5. Eligibility as a father for associate membership in the Gold Star Mothers
11 of America;
- 12 6. Eligibility for membership in the Gold Star Wives of America;
- 13 7. Ownership of an amateur radio operator license;
- 14 8. Receipt of the Silver Star Medal; or
- 15 9. Receipt of the Bronze Star Medal awarded for valor.

16 (b) The time schedule permissible for a group or organization to request a design
17 change for the special license plate; and

18 (c) The procedures for review of proposed license plates and the standards by
19 which proposed special license plates are approved or rejected in accordance
20 with subsection (9) of this section.

21 (16) Any individual, group, or organization that fails to audit any funds received under
22 this chapter, or that intentionally uses any funds received in any way other than
23 attested to under subsection (13) of this section or for administrative or personnel
24 costs in violation of subsection (13) of this section, shall be guilty of a Class D
25 felony and upon conviction shall, in addition to being subject to criminal penalties,
26 be assessed a mandatory five thousand dollar (\$5,000) fine.

27 ➔Section 40. KRS 186.240 is amended to read as follows:

1 (1) It shall be the duty of the cabinet to carry out the provisions of KRS 186.005 to
2 186.260, and:

3 (a) Prepare and furnish to the clerk in each county a sufficient supply of all forms
4 and blanks provided for in KRS 186.005 to 186.260. The forms for receipts
5 shall be designated for the writing of not less than triplicate copies, the
6 originals of which shall be numbered consecutively for each county, the
7 second and third copies bearing the same number as the original. Receipts to
8 be used as duplicates for lost receipts, as provided in KRS 186.180(1), shall
9 be in duplicate only, and shall not be numbered;

10 (b) Keep a numerical record of all registration numbers issued in the state, for
11 which they may use the second copy of receipts forwarded by the clerk of each
12 county, and also keep a record of motor or vehicle identification numbers
13 required by KRS 186.160; and

14 (c) Furnish to each clerk, originally each year upon estimate, and thereafter upon
15 requisition at all times, a sufficient supply of plates and other insignia
16 evidencing registration for all classes of vehicles required to be registered.
17 The cabinet shall prescribe a plate of practical form and size for police
18 identification purposes that shall contain:

- 19 1. The registration number;
- 20 2. The word "Kentucky;" and
- 21 3. The name of the county in which the plate is issued, or in lieu thereof the
22 words "Official," "Transportation," "Executive," or "Farm." Plates for
23 commercial vehicles, shall contain the year the license expires and
24 words or information the Department of Vehicle Regulation may
25 prescribe by administrative regulation, pursuant to KRS Chapter 13A.
26 Numerals indicating a year shall not be placed upon any license plate
27 issued pursuant to KRS 186.060, relating to the licensing of vehicles

1 owned exclusively by the state and KRS 186.061, relating to the
 2 licensing of vehicles owned exclusively by a nonprofit volunteer fire
 3 department, volunteer fire prevention unit, and volunteer fire protection
 4 unit. A state slogan may be placed upon the plate.

5 (2) License plates issued pursuant to KRS 186.050(1) shall conform to the provisions
 6 of subsection (1)(c) of this section except:

7 (a) The word "Kentucky" shall be centered above the county name in which the
 8 plate is issued;

9 (b) The words "Bluegrass State" shall be centered at the top of the plate above the
 10 registration number; and

11 (c) The name of the county in which the plate is issued shall be centered in the
 12 lower portion of the plate below the registration number and shall be printed
 13 in letters that are the same size as those used to print the word "Kentucky."
 14 Beginning January 1, 1993, the Transportation Cabinet shall provide for the
 15 issuance of reflectorized plates for all motor vehicles, and shall collect a fee,
 16 in addition to the fee set out in KRS Chapter 186 and Section 12 of this
 17 Act~~[KRS 281.860]~~, of fifty cents (\$0.50). The fifty cents (\$0.50) fee to
 18 reflectorize license plates shall be used by the cabinet as provided in
 19 subsection (3) of this section;

20 (3) The reflectorized license plate program fund is established in the state road fund
 21 and appropriated on a continual basis to the cabinet to administer the moneys as
 22 provided in this subsection. The fifty cents (\$0.50) fee collected by the cabinet to
 23 reflectorize license plates shall be deposited into the program fund and used to issue
 24 reflectorized license plates. If at the end of a fiscal year, money remains in the
 25 program fund, it shall be retained in the fund and shall not revert to the state road
 26 fund. The interest and income earned on money in the program fund shall also be
 27 retained in the program fund to carry out the provisions of this subsection. The

1 Transportation Cabinet shall begin issuing the new reflectorized license plate under
 2 the provisions of this subsection on January 1, 2003, and shall continue to issue a
 3 new reflectorized license plate on a schedule to be determined at the discretion of
 4 the cabinet in the years thereafter;

5 (4) Except as directed under subsection (3) of this section, the Transportation Cabinet
 6 shall receive all moneys forwarded by the clerk in each county and turn it over to
 7 the State Treasurer for the benefit of the state road fund;

8 (5) The Transportation Cabinet shall require an accounting by the clerk in each county
 9 for any moneys received by him under the provisions of this chapter, after the
 10 deduction of his fees under this chapter, and for all receipts, forms, plates, and
 11 insignia consigned to him. The Auditor of Public Accounts, pursuant to KRS
 12 43.071, shall annually audit each county clerk concerning his responsibilities for the
 13 collection of various fees and taxes associated with motor vehicles. The secretary of
 14 the Transportation Cabinet, with the advice, consultation, and approval of the
 15 Auditor, shall develop and implement an inventory and accounting system which
 16 shall insure that the audits mandated in KRS 43.071 are performed in accordance
 17 with generally accepted auditing standards. The Transportation Cabinet shall pay for
 18 the audits mandated by KRS 43.071; and

19 (6) When applied for under KRS 186.160, motor or vehicle numbers assigned shall be
 20 distinctive to show that they were designated by the cabinet.

21 ➔Section 41. KRS 186.991 is amended to read as follows:

22 Any person who violates, or causes, aids, or abets any violation of KRS~~[186.052,]~~
 23 186.053~~[186.281 and 186.286]~~ or of any order, rule, or regulation lawfully issued
 24 pursuant thereto, shall be fined not less than twenty-five dollars (\$25) nor more than two
 25 hundred dollars (\$200) or imprisoned for not more than thirty (30) days, or both.

26 ➔SECTION 42. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
 27 READ AS FOLLOWS:

The secretary of the Transportation Cabinet, or his or her designee, is hereby authorized to join and negotiate with other states a compact for overdimensional permits. If the secretary joins a compact pursuant to this section, the cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the administration and enforcement of a compact on overdimensional permits.

→ Section 43. KRS 381.770 is amended to read as follows:

(1) As used in this section:

(a) "Automobile collector" means a person who collects and restores motor vehicles; and

(b) "Ordinary public view" means a sight line within normal visual range by a person on a public street or sidewalk adjacent to real property;

(c) "Parts car" means an automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of other automobiles; and

(d) "Imminent danger" means a condition which could cause serious or life-threatening injury or death at any time.

(2) Except as provided in subsection (3) of this section, it shall be unlawful for the owner, occupant or person having control or management of any land within a city, county, consolidated local government, urban-county, or unincorporated area to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of:

(a) Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials, excluding inoperative farm equipment;

(b) One (1) or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or nonoperative and which are not inhabited;

(c) Rubbish; or

(d) The excessive growth of weeds or grass.

- 1 (3) The provisions of paragraph (a) of subsection (2) of this section shall not apply to:
- 2 (a) Junked, wrecked, or nonoperative automobiles, vehicles, machines, or other
- 3 similar scrap or salvage materials located on the business premises of a
- 4 licensed automotive recycling dealer as defined under the provisions of KRS
- 5 190.010(8);
- 6 (b) Junked, wrecked, or nonoperative motor vehicles, including parts cars, stored
- 7 on private real property by automobile collectors, whether as a hobby or a
- 8 profession, if these motor vehicles and parts cars are stored out of ordinary
- 9 public view by means of suitable fencing, trees, shrubbery, or other means;
- 10 and
- 11 (c) Any motor vehicle as defined in Section 1 of this Act~~[KRS 281.011]~~ that is
- 12 owned, controlled, operated, managed, or leased by a motor carrier.
- 13 (4) It shall be unlawful in any city, county, consolidated local government, or urban-
- 14 county for the owner of a property to permit any structure upon the property to
- 15 become unfit and unsafe for human habitation, occupancy, or use or to permit
- 16 conditions to exist in the structure which are dangerous or injurious to the health or
- 17 safety of the occupants of the structure, the occupants of neighboring structures, or
- 18 other residents of the city, county, consolidated local government, or urban-county.
- 19 (5) Any city, county, consolidated local government, or urban-county may establish by
- 20 ordinance reasonable standards and procedures for the enforcement of this section.
- 21 The procedures shall comply with all applicable statutes, administrative regulations,
- 22 or codes. Proper notice shall be given to property owners before any action is taken
- 23 pursuant to this section; and, prior to the demolition of any unfit or unsafe structure,
- 24 the right to a hearing shall be afforded the property owner.
- 25 (6) Unless imminent danger exists on the subject property that necessitates immediate
- 26 action, the city, county, consolidated local government, or urban-county government
- 27 shall send, within fourteen (14) days of a final determination after hearing or waiver

1 of hearing by the property owner, a copy of the determination to any lien holder of
2 record of the subject property by first-class mail with proof of mailing. The lien
3 holder of record may, within forty-five (45) days from receipt of that notice, correct
4 the violations cited or elect to pay all fines, penalty charges, and costs incurred in
5 remedying the situation as permitted by subsection (7) of this section.

6 (7) A city, county, consolidated local government, or urban-county shall have a lien
7 against the property for the reasonable value of labor and materials used in
8 remedying the situation. The affidavit of the responsible officer shall constitute
9 prima facie evidence of the amount of the lien and the regularity of the proceedings
10 pursuant to this statute, and shall be recorded in the office of the county clerk. The
11 lien shall be notice to all persons from the time of its recording and shall bear
12 interest thereafter until paid. The lien created shall take precedence over all other
13 liens, except state, county, school board, and city taxes, except as provided in
14 subsection (8) of this section. The lien may be enforced by judicial proceeding.

15 (8) The lien provided in subsection (7) of this section shall not take precedence or
16 priority over a previously recorded lien if:

17 (a) The city, county, consolidated local government, or urban-county government
18 failed to provide the lien holder a copy of the determination in accordance
19 with subsection (6) of this section; or

20 (b) The lien holder received a copy of the determination as required by subsection
21 (6) of this section, and the lien holder corrected the violations or paid the
22 fines, penalty charges, and costs incurred in remedying the violation.

23 (9) In addition to the remedy prescribed in subsection (5) of this section or any other
24 remedy authorized by law, the owner of a property upon which a lien has been
25 attached pursuant to this section shall be personally liable for the amount of the lien,
26 including all interest, civil penalties, and other charges and the city, county, or
27 urban-county may bring a civil action against the owner and shall have the same

remedies as provided for the recovery of a debt owed. The failure of a city, county, consolidated local government, or urban-county government to comply with subsection (6) of this section, and the failure of a lien to take precedence over previously filed liens as provided in subsection (8) of this section, shall not limit or restrict any remedies that the city, county, consolidated local government, or urban-county government has against the owner of the property.

- (10) The provisions of subsections (5), (7), and (9) of this section shall not apply to an owner, occupant, or person having control or management of any land located in an unincorporated area if the owner, occupant, or person is not the generator of the rubbish or is not dumping or knowingly allowing the dumping of the rubbish and has made reasonable efforts to prevent the dumping of rubbish by other persons onto the property.

➔Section 44. KRS 281.905 is amended to read as follows:

- (1) The duties of the committee shall be [:-
- (a) ~~]-~~to advise the executive and legislative branches of government of the Commonwealth on issues regarding industrial expansion, promotion of motor carrier development, safety training, and improvement of motor carrier taxation and regulation methods~~]; and~~
- (b) ~~To coordinate and monitor educational training courses on motor carrier operations and safety regulation pursuant to KRS 281.907].~~
- (2) The committee may request information and data from agencies of state government and may conduct studies to assist in the performance of its functions and duties.
- (3) The committee shall meet no less than quarterly during each calendar year, but may meet more frequently, if required. Meetings may be held at any place within the Commonwealth as determined by the committee. The Transportation Cabinet shall provide meeting facilities and administrative assistance and support to the committee and the expense of operations of the committee shall be paid from the

1 budget of the Department of Vehicle Regulation.

2 (4) The chairman of the committee shall be the secretary of the Transportation Cabinet,
3 or his designee. The vice chairman shall be elected from the nine (9) appointed
4 members of the committee. A majority of the membership of the committee shall
5 constitute a quorum for the conduct of business.

6 (5) The meetings of the committee shall be public and the board shall file annual
7 reports of its activities, findings, and recommendations with the office of the
8 Secretary of State and the Legislative Research Commission. The reports shall be a
9 matter of public record.

10 ➔Section 45. The following KRS sections are repealed:

11 186.052 License fee for driveway operations -- Tags.

12 186.281 Seat and other vehicle taxes.

13 186.286 Apportionment of seat taxes.

14 281.011 Definitions for chapter.

15 281.012 Definitions.

16 281.013 Definitions for chapter.

17 281.014 Definitions for chapter.

18 281.015 Definitions.

19 281.604 Assessment of AVIS reprogramming costs required due to KRS 186.072 and
20 186.073.

21 281.607 Recognition of corporate limits and population of city government units prior to
22 merger into urban-county government -- Recognition of boundaries of service
23 districts.

24 281.612 Authorization for joining interstate compact for overdimensional permits.

25 281.615 Permit for motor carrier required -- Employment illegal, when.

26 281.618 Construction of certificates authorizing transportation of persons.

27 281.619 Nonprofit bus certificate.

- 1 281.620 Application for certificate, permit, or change therein -- Fee.
- 2 281.625 Hearing on application -- Notice -- Protest -- Exceptions.
- 3 281.6251 Notice of intention to apply for certificate.
- 4 281.632 Temporary authority for service -- Renewal of temporary authority period.
- 5 281.633 Personal representative's power over decedent's certificate -- Transferring
- 6 certificate when holder incorporates.
- 7 281.637 Charter bus certificate.
- 8 281.641 Department may withdraw, set aside or amend final order -- Time.
- 9 281.645 New application after denial of previous application.
- 10 281.650 Renewal of certificate or permit.
- 11 281.660 Taxicab permits to be renewed as certificates.
- 12 281.6602 County taxicab and limousine certificates.
- 13 281.670 Suspension, revocation, or alteration of certificate or permit -- Notice to carrier
- 14 of license holder's failure to appear -- Suspension for carrier's driver's failure to
- 15 satisfy citation or summons.
- 16 281.675 Standards of certificate holder's rates and services.
- 17 281.680 Filing and public inspection of rate and service schedules and contracts --
- 18 Collective ratemaking procedures.
- 19 281.685 Adherence to rates, fares, charges, and schedules -- Prohibition against
- 20 discrimination.
- 21 281.690 Changes in rates.
- 22 281.695 Powers of Department of Vehicle Regulation to regulate rates and service.
- 23 281.700 Abandonment or change of route, service or schedule.
- 24 281.710 Nonresident carrier to have agent for service of process.
- 25 281.780 Right of appeal -- How taken.
- 26 281.801 Application determined on basis of affidavits when no protest filed.
- 27 281.804 Operation of taxicab in competition with common carrier.

1 281.806 Chapter not to be construed to prohibit department from granting certificate
2 authorizing operation of taxicabs from unincorporated community.

3 281.850 Automobile utility trailer lessor's permit.

4 281.860 Annual tax on utility trailer.

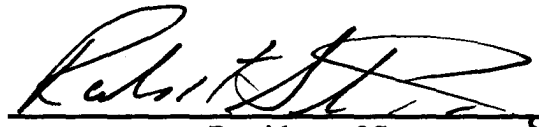
5 281.907 Educational training courses for motor carriers -- Certification of providers --
6 Fees -- Records.

7 281.910 Local government authority over regulation of taxicabs -- Adoption --
8 Ordinance -- Review by cabinet -- Revocation of authority.


9 281.912 Safety inspection -- Proof -- Safety and out-of-service criteria -- Revocation for
10 fraudulent inspection record.

11 281.914 Existing certificate holders.

12 ➡Section 46. Any certificate or permit issued by the Department of Vehicle
13 Regulation under the provisions of KRS Chapter 281 or by a local government under the
14 provisions of KRS 281.910 that is valid on the effective date of this Act shall continue to
15 be valid until the renewal date of the permit or certificate. Existing certificate or permit
16 holders shall make initial application to the department for the appropriate certificate
17 under the provisions of Section 10 of this Act prior to the holder's renewal date.



President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 3/19/15